

AFFIDAVIT

I, Wade Cochran, being duly sworn, depose and state as follows:

1. I am a Sergeant with the Montpelier Police Department and I am currently assigned to the Vermont State Police Drug Task Force (VDTF). I have been employed by Montpelier PD for eight years and I have been assigned to the Task Force for one year. In connection with my duties and responsibilities as a Task Force Officer, I have received training in narcotics investigation and enforcement. In this capacity and in my work as a Sergeant, I have participated in investigations relating to the possession and distribution of various controlled substances, including heroin, crack cocaine and cocaine.

2. This affidavit is submitted to show that probable cause exists to believe that, on or about August 4, 2015, in Vermont, Miguel Zayas, a.k.a. "Meech," knowingly and intentionally distributed heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

3. I am familiar with the facts and circumstances of this investigation based on my own work on this case, my discussion with other VDTF detectives and federal law enforcement officers who have worked on the case, and from my review of electronic evidence generated during the investigation. This affidavit is intended to set forth probable cause and therefore it does not include every fact known to law enforcement about the events described below. Where I describe a statement below, it may be described in substance, not verbatim.

4. For several months, the VDTF and FBI have been investigating Miguel Zayas, aka "Meech," and his associates for trafficking heroin in Caledonia County, Vermont. In August 2015, the VDTF learned that Zayas had moved his heroin business to Barnet, Vermont. All law enforcement officers mentioned in this Affidavit had seen a picture of Zayas prior to August 20, 2015. I have known what Zayas looks like for about a year.

5. On August 3, 2015, I met with a CI that is assisting the VDTF and other law enforcement agencies in exchange for consideration on a pending 2014 Vermont state charge of felony heroin trafficking. The CI entered into a cooperation agreement with the Attorney General's Office after incurring that charge; under that agreement, CI agreed to plead guilty and accept a sentence of 6-12 months' imprisonment all suspended with probation. The CI has no other criminal record. The CI has an opiate addiction, but to law enforcement's knowledge was not under the influence of illicit narcotics during the events described herein.

6. Since agreeing to cooperate with law enforcement, the CI has advised the VDTF the following in substance:

a. The CI has purchased heroin from an individual CI knows as "Meech." Meech is currently staying at a residence located at 2567 Barnet Center Road, Barnet, Vermont (the Subject Premises), and selling heroin from that residence. The CI indicated that, when she/he wants to purchase heroin from Meech, CI sends a text message to 862-944-6232 or calls that number.

7. On August 4, 2015, the CI met me at a predetermined location to coordinate a controlled (law enforcement-monitored) buy of heroin from ZAYAS. On August 4, 2015, the CI sent a text message to ZAYAS at 862-944-6232 asking if he/she was still good to stop by around 5 o'clock (CI had earlier communications with ZAYAS about buying a bundle (or ten bags) of heroin from him). (ZAYAS used 862-944-6232 to communicate with the CI throughout the events described herein.) CI received the reply, "yea." The CI sent ZAYAS another text message asking if the price was \$130.00, and ZAYAS replied "Na, 110" (meaning the price of a bundle or 10 bags of heroin was \$110.00). I photographed the text messages. In my presence, the CI placed a recorded call to ZAYAS at the number the CI had for him, 862-944-6232. When

a male voice answered, the CI said, "hey Meech." ZAYAS then asked the CI if the CI was at the house (which the CI understood to mean the Subject Premises), and the CI replied that he/she was 5 to 10 minutes away. "MEECH" then said "I'm gonna send my man out, call me when your there."

8. Prior to going to the Subject Premises, law enforcement thoroughly searched the CI's person and vehicle, and located no weapons; large amounts of money; or contraband. I also affixed a digital recorder and audio transmitting device to the CI's person. During the controlled buy, Sgt. Loan, and Det. Herbes and I monitored the audio transmitting device. The CI was also provided with \$110.00 in prerecorded VDTF funds and told to make a purchase of 1 bundle (10 bags) of heroin at the Subject Premises. The CI then drove to the Subject Premises under law enforcement surveillance.¹ Det. Herbes and I observed the CI pull into the driveway of 2567 Barnet Center Road, Barnet, Vermont. Due to the rural setting, law enforcement surveillance was unable to follow the CI up the driveway. A short time later the CI was observed driving out of the driveway at which time Sgt. Cochran and Det. Herbes were able to keep constant visual surveillance of the CI.

9. The CI met with VDTF officers after the buy and turned over a quantity of suspected heroin. In a sworn, post-buy statement, the CI stated the following, in substance, among other things:

- a. The CI stated, prior to the heroin buy, that he/she randomly received a text from "MEECH" saying that he had hard and soft (which I know are slang words meaning crack and powder cocaine, respectively). The CI stated that MEECH told the CI that he

¹ For each controlled buy described herein, the CI and CI's vehicle were searched thoroughly before and after the deal with no contraband found. For each controlled buy, the CI was also electronically and visually monitored by law enforcement and provided with prerecorded task force funds to make the purchase.

and his associates are now living in Barnet. The CI further stated that he/she learned the exact address in Barnet while dropping a friend off. The CI stated that, on this day, he/she had contacted "MEECH" earlier in the day to see if he/she could get heroin, and "MEECH" told the CI to wait two minutes and he would call his guy. The CI stated that when he/she arrived at the Subject Premises, he/she called "MEECH" to let him know of CI's arrival, and then a male came out of the house and asked what he/she wanted. The CI further stated that CI told the male that he/she was there to talk with "MEECH" and that "MEECH" had told him/her to go there. The CI stated that the male then asked him/her again what he/she wanted, and the CI responded that she wanted a "bun" (which is slang for 10 bags of heroin). The CI stated that the male went into the Subject Premises and came back out with a bun. The CI stated that he/she directly handed the male the \$110.00, and the CI stated that the male then handed him/her the heroin. The CI stated that he/she did not come in contact with any other individuals; the CI further stated that he/she did not tamper with, destroy, or ingest any heroin.

10. I counted the bags of heroin turned over by the CI after the buy and determined that there were only 9 bags in the bundle, not 10, as is typical. Law enforcement conducted a thorough post-buy search of the CI's person and vehicle and did not find any heroin or other contraband. The CI stated that he/she had not counted the bags prior to handing them over to me. After examining the bundle and the tight rubber band around it, I concluded that the CI did not take a bag of heroin.

11. The CI placed a recorded call to MEECH at phone number 862-944-6232 to tell him that he/she had been shorted. When a male voice answered the phone, the CI addressed him as "MEECH," and he said he was sorry for the shorted heroin and he would make good with

him/her. "MEECH" also stated that he was getting his oil changed so he was not at the Subject Premises.

12. I field tested the suspected heroin using an NIK brand field testing kit. The test came back positive for the presence of heroin.²

13. On August 6, 2015, I showed the CI a New York Bureau of Prisons booking photo of Miguel ZAYAS, and the CI identified ZAYAS as the person he/she knows as "MEECH." I further showed the CI a Vermont Department of Motor Vehicles picture of Thomas Newman, and the CI stated that he/she recognized the person as being the male who sold him/her heroin at the Subject Premises.

14. On August 20, 2015, in my presence, the CI sent a text to ZAYAS at 862-944-6232 asking if he was in St. Johnsbury, attempting to arrange another controlled buy of a bundle of heroin. I photographed all texts and recorded all buys associated with this controlled buy. Later that day, ZAYAS responded via text "Lyndonville." The CI sent a text asking, in substance, where exactly in Lyndonville to meet, with Zayas responding in substance "Mathewson Hill Road," and asking if CI knew of this location. He further texted that it was a dirt road and that his guy would meet her at the road. The CI also sent ZAYAS a text asking if he would throw in an extra bag of heroin to make up for the bag he shorted her during the August 4, 2015 controlled buy; he replied "yeaa." The CI drove to the Mathewson Hill Road; VDTF Det. Sgt. Shawn Loan placed a hidden audio video camera in CI's car prior to the deal. The CI drove to Mathewson Hill Road under law enforcement surveillance. Surveillance lost site the of the CI briefly as she traveled on the road, then VDTF Det. Sgt. Gardner and Homeland Security Investigations Special Agent Scott Labor radioed they observed the CI meeting with a white

² For each controlled buy described herein, the substance purchased field tested positive for heroin or cocaine.

male. Sgt. Loan also radioed that he saw the male exit the CI's car. The CI subsequently met with me and turned over 11 bags of heroin and a small piece of crack cocaine.

15. In sworn post-buy statement, the CI stated, in substance, among other things:

a. CI referred to the person CI spoke to in recorded calls relating to this buy as "Meech."

CI stated that CI obtained the narcotics CI turned over to me directly from a white male with short curly blond hair. CI did not know his name and said she had never seen him before. CI directly handed this male the prerecorded VDTF funds provided to her to make the narcotics purchase. CI confirmed that Meech facilitated the deal. After the deal, CI saw the male who did the hand to hand walk up a drive way from Mathewson Hill Road in the direction of what looked like a house or barn.


16. I reviewed the video footage from the hidden recorder in the CI's car and was able to clearly see the face of the male she met with. Post-buy surveillance officers saw the male meeting cars at the bottom of the driveway off Mathewson Hill Road identified by the CI. Law enforcement has since identified this individual as Taylor May.

17. Later the same day, surveillance units observed a truck occupied by three people in the driveway that the male who sold to the CI had walked up after the controlled buy. The truck exited the driveway described by the CI. A VDTF Det. was eventually able to identify Zayas as the front passenger of the truck. Vermont State Police (VSP) officer conducted a motor vehicle stop and identified the front passenger with New Jersey driver's license as Miguel Zayas. Officers eventually arrested Zayas and searched the truck, finding nothing evidentiary value. VSP Trooper Richard Slusser searched Zayas incident to arrest and located \$560 cash in his pocket. Within the cash, officers located the \$160 in prerecorded VDTF funds used by the CI earlier in the day to make the controlled buy.

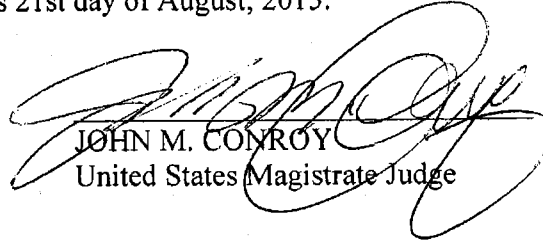
18. VDTF officers approached the driveway that the male had been seen on and encountered an adult male, identified as Dane Rocheleau (not the male who sold to CI). He indicated that a house further down the driveway belonged to him and that he lived there with his son. He said that two black males, one of which he knew as "Meech," had been staying with him. (Zayas is Hispanic.) He said his son brought the males to the residence the previous night. He gave VDTF consent to search the house. During the search, Rocheleau pointed out items in the residence that belonged to the males who arrived at the residence the previous night. These items consisted of a blue and yellow/orange duffle bag, a green and white back pack, and three plastic bags. VDTF Det. Giancarlo DiGenova and other officers seized these bags. Det. DiGenova removed a bag on top of the duffle bag in order to seize it and observed the duffle bag was open. He observed within the duffle bag a white chunky substance contained in a clear baggie; the substance appeared consistent with the appearance of crack cocaine based on Det. DiGenova's training and experience. These items remain in the custody of the Vermont State Police at the St. Johnsbury, Vermont barracks.

19. Following Zayas's arrest, I conducted an interview of him. After waiving *Miranda*, he denied selling drugs and said he worked as a landscaper in Vermont and was currently in Vermont to get a tattoo in St. Johnsbury. He said he was from Jersey City, New Jersey. When where he had been that day, he said "Lyndon." When I asked what house, he only shook his head.

Dated at Burlington, in the District of Vermont, this 21st day of August, 2015.


SGT. WADE COCHRAN
Vermont Drug Task Force

Sworn to and subscribed before me this 21st day of August, 2015.


JOHN M. CONROY
United States Magistrate Judge

AFFIDAVIT

I, Wade Cochran, being duly sworn, depose and state as follows:

1. I am a Sergeant with the Montpelier Police Department and I am currently assigned to the Vermont State Police Drug Task Force (VDTF). I have been employed by Montpelier PD for eight years and I have been assigned to the Task Force for one year. In connection with my duties and responsibilities as a Task Force Officer, I have received training in narcotics investigation and enforcement. In this capacity and in my work as a Sergeant, I have participated in investigations relating to the possession and distribution of various controlled substances, including heroin, crack cocaine and cocaine.
2. This affidavit is submitted to show that probable cause exists to believe that, on or about January 22, 2015, in Vermont, Sue-Ann Christie, a.k.a. "Ma Sue," knowingly and intentionally distributed heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1).
3. I am familiar with the facts and circumstances of this investigation based on my own work on this case, my discussion with other VDTF detectives who have worked on the case, and from my review of electronic evidence generated during the investigation. This affidavit is intended to set forth probable cause and therefore it does not include every fact known to law enforcement about the events described below.
4. In November 2014, the VDTF began an investigation into heroin trafficking by Sue-Ann Christie and her associates in St. Johnsbury, Vermont. On January 22, 2015, I met with a confidential informant (CI) who has previously identified "Ma Sue," of St. Johnsbury, as a person from whom the CI can buy heroin. I have previously shown the CI a Vermont Department of Motor Vehicles (VTDMV) photograph of Sue-Ann Christie, which the CI identified as "Ma Sue." The CI also came to learn that Ma Sue's real name is Sue-Ann Christie.

The CI is working with the VDTF in the hopes of receiving consideration for pending state misdemeanor charges of possession of marijuana and possession of cocaine. The CI has no prior criminal record. According to the CI's statements to me, the CI smokes marijuana and has on rare occasions used cocaine. To my knowledge, the CI was not under the influence of illicit narcotics during the events described below.

5. When I met with the CI on January 22, 2015, I arranged for the CI to make a controlled (law enforcement-monitored) buy of heroin from Christie. The CI advised me that it had spoken to Christie over the phone earlier in the day, and asked Christie if it could purchase 1 bundle (10 bags) of heroin from her. The CI said that Christie agreed. The CI said that Christie said that her phone would be turned off, but that she could meet the CI at the Chinese restaurant on Portland Street in St. Johnsbury. The CI said they agreed to meet that day at 1:30 PM at that location. Prior to the meeting, I searched the CI and the CI's vehicle thoroughly, finding nothing illegal. I provided the CI with \$150.00 of prerecorded VDTF funds to make the purchase of heroin from Christie. I placed a small hidden video camera in the CI's vehicle and affixed a small audio recorder to the CI's person. The CI drove in the CI's vehicle to the Chinese restaurant parking lot on Portland Street in St. Johnsbury. I followed the CI to that area in my own vehicle and conducted surveillance of the CI.

6. When the CI arrived in the parking lot, I continued to conduct surveillance. Also conducting surveillance in the parking lot was VDTF Det. Sgt. Daniel Trudeau. While the CI was parked and waiting for Christie, I saw Christie exit a residence on Caledonia Street, walk a short distance to the CI's car, and get into the CI's vehicle. I had previously viewed Christie's VTDMV photo and was able positively identified Christie as the person who entered the CI's vehicle. After a short time, officers saw the CI's vehicle drive around the corner and let Christie

out of the vehicle. I conducted visual surveillance of the CI's vehicle as it traveled to meet with me at a predetermined meet location. At no time did any officer conducting surveillance see the CI meet or interact with anyone other than Christie. At the meet location, the CI handed me 11 bags containing suspected heroin. It appears Christie accidentally gave the CI one more bag of heroin than she had planned to sell the CI. I field tested the contents of one of the 11 bags, and the result was positive for heroin. I also thoroughly searched the CI and the CI's vehicle and found nothing illegal.

7. At the meet location, the CI provided me with a sworn statement in which the CI stated the following, in substance, among other things:

a. The CI met with Ma Sue as arranged around 1:30 PM in the parking lot of the Chinese restaurant on Portland Street. Ma Sue entered the CI's vehicle. In the vehicle, Ma Sue directly handed the CI heroin and the CI directly handed Ma Sue the money provided by the VDTE. The CI then gave Christie a ride to the store around the corner, where she exited the CI's vehicle. The CI traveled back to our meet location.

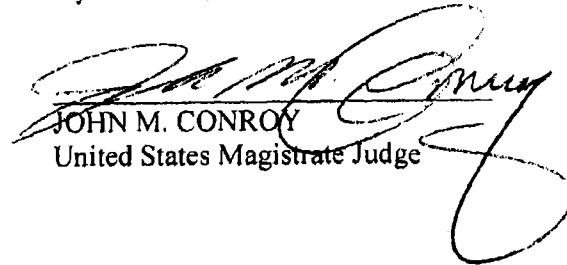
8. I later watched the video footage from the video camera hidden in the CI's car, which shows the following (it also has audio; statements are relayed in substance):

a. You can clearly see Christie as she enters the CI's vehicle. When she gets in the vehicle, she has something in her left hand, which she hands to the CI. Seconds later, the CI hands Christie the money. The CI talks to Christie about how much the CI would have to buy to get a break on price. Christie talks about her source leaving and about having surplus supply. Christie also talks about other sources from whom she might be able to acquire heroin.

Dated at Burlington, in the District of Vermont, this 10th day of March, 2015.


SGT. WADE COCHRAN
Vermont Drug Task Force

Sworn to and subscribed before me this 10th day of March, 2015.


JOHN M. CONROY
United States Magistrate Judge

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILEDfor the
District of Vermont

2015 AUG 11 PM 1:24

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*Information associated with cellular telephone number
(862) 944-6232 that is stored at premises controlled by
MetroPCS

Case No. 2:15-mj-33

CLERK
BY 
DEPUTY CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
See Attachment A.

located in the _____ District of _____ Vermont and elsewhere _____, there is now concealed *(identify the person or describe the property to be seized)*:
See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

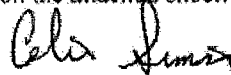
- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. Sections 841, 846	Distribution of heroin and conspiracy to commit that offense

The application is based on these facts:
See attached Affidavit, incorporated herein

- ☒ Continued on the attached sheet.
- ☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

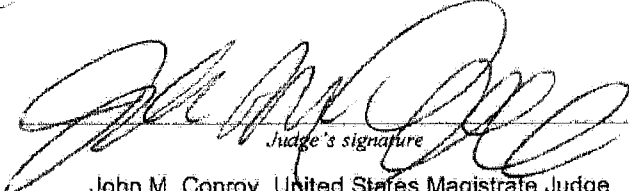
*Applicant's signature*

Colin Simons, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Aug. 11, 2015City and state: Burlington, Vermont*Judge's signature*

John M. Conroy, United States Magistrate Judge

Printed name and title

001516

AFFIDAVIT

I, Colin Simons, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Burlington, Vermont Resident Agency of the Albany Division. I have been a Special Agent for over 10 years. I am responsible for working a variety of criminal violations, to include violent crimes and gangs. I have completed the seventeen-week training program provided by the FBI, which includes instruction in the investigation of various criminal offenses. In addition to the formal training I have received from the FBI, I have also completed the Frances Glessner Lee Seminar in Homicide Investigations, the University of Tennessee's Human Remains Recovery School, a Department of Justice Asset Forfeiture Program, and a Forensic Cell Phone Data Recovery course. I have also been the affiant to numerous federal complaints and search warrants pertaining to violent crime and drugs. As a Special Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) for information about the location of cellular telephone number (862) 944-6232 [the "Target Cell Phone"], whose wireless service provider is MetroPCS, with offices located at 2250 Lakeside Blvd., Richardson, Texas 75082, and that is stored at premises owned, maintained, controlled, or operated by MetroPCS. I know through database checks conducted by Homeland Security Investigations Special Agent Scott Labor that MetroPCS is the company that is the carrier/owner of the Target Cell Phone.

3. The Target Cell Phone and property to be searched are described herein and in Attachment A, and the location information, both historical and prospective, and corresponding call detail records, to be seized are described herein and in Attachment B.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that Miguel Zayas, a.k.a. "Meech," is involved in distribution of heroin and conspiring to distribute heroin in Caledonia County, Vermont, in violation of 21 U.S.C. §§ 846, 841(a)(1). In addition, there is probable cause to believe that Zayas has used the Target Cell Phone as a tool in committing that crime. There is also probable cause to believe that the location information for the Target Cell Phone described in Attachment B will lead to evidence of such crimes, fruits of such crimes, and property used to commit such crimes, within the meaning of Federal Rule of Criminal Procedure 41(c)(1),(2), and (3).

5. I am familiar with the facts and circumstances of this investigation from (a) my own personal involvement in the investigation and my personal observations; (b) reports and written summaries made available to me by other law enforcement authorities, including Sgt. Wade Cochran of the Vermont State Police Drug Task Force (VDTF); and (c) my discussions with Homeland Security Investigations Special Agent Scott Labor; Sgt. Cochran; VDTF Det. Cassandra Herbes; and VDTF Sgt. Shawn Loan. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned by law enforcement during the course of the investigation.

6. For several months, the VDTF and FBI have been investigating Miguel Zayas, aka "Meech," and his associates for trafficking heroin in Caledonia County, Vermont. In August 2015, the VDTF learned that Zayas had moved his heroin business to Barnet, Vermont.

7. The information in paragraphs 7 through 15 comes from my consultations with individuals listed in paragraph 5 and my review of their reports/written summaries of the events described below. On August 3, 2015, Sgt. Cochran met with a CI that is assisting the VDTF and other law enforcement agencies in exchange for consideration on a pending 2014 Vermont state charge of felony distribution of heroin. The CI entered into a cooperation agreement with the Attorney General's Office after incurring that charge; under that agreement, CI agreed to plead guilty and accept a sentence of 6-12 months' imprisonment all suspended with probation. The CI has no other criminal record. The CI has an opiate addiction, but to law enforcement's knowledge was not under the influence of illicit narcotics during the events described herein.

8. Since agreeing to cooperate with law enforcement, the CI has advised the VDTF the following in substance:

- a. The CI has purchased heroin from an individual CI knows as "Meech." Meech is currently staying at a residence located at 2567 Barnet Center Road, Barnet, Vermont (the Subject Premises), and selling heroin from that residence. The CI indicated that, when she/he wants to purchase heroin from Meech, CI sends a text message to 862-944-6232 or calls that number.

9. On August 4, 2015, the CI met Sgt. Cochran at a predetermined location to coordinate a controlled (law enforcement-monitored) buy of heroin from ZAYAS. On August 4, 2015, the CI sent a text message to ZAYAS at 862-944-6232 asking if he/she was still good to stop by around 5 o'clock (CI had earlier communications with ZAYAS about buying a bundle (or ten bags) of heroin from him). CI received the reply, "yea." The CI sent ZAYAS another text message asking if the price was \$130.00, and ZAYAS replied "Na, 110" (meaning the price of a bundle or 10 bags of heroin was \$110.00). Sgt. Cochran photographed the text messages. In

Sgt. Cochran's presence, the CI placed a recorded call to ZAYAS at the number the CI had for him, 862-944-6232. When a male voice answered, the CI said, "hey Meech." ZAYAS then asked the CI if the CI was at the house (which the CI understood to mean the Subject Premises), and the CI replied that he/she was 5 to 10 minutes away. "MEECH" then said "I'm gonna send my man out, call me when your there."

10. Prior to going to the Subject Premises, law enforcement thoroughly searched the CI's person and vehicle, and located no weapons; large amounts of money; or contraband. Sgt. Cochran also affixed a digital recorder and audio transmitting device to the CI's person. During the controlled buy, Sgt. Cochran, Sgt. Loan, and Det. Herbes monitored the audio transmitting device. The CI was also provided with \$110.00 in prerecorded VDTF funds and told to make a purchase of 1 bundle (10 bags) of heroin at the Subject Premises. The CI then drove to the Subject Premises under law enforcement surveillance. Sgt. Cochran and Det. Herbes observed the CI pull into the driveway of 2567 Barnet Center Road, Barnet, Vermont. Due to the rural setting, law enforcement surveillance was unable to follow the CI up the driveway. A short time later the CI was observed driving out of the driveway at which time Sgt. Cochran and Det. Herbes were able to keep constant visual surveillance of the CI.

11. The CI met with VDTF officers after the buy and turned over a quantity of suspected heroin. In a sworn, post-buy statement, the CI stated the following, in substance, among other things:

- a. The CI stated, prior to the heroin buy, that he/she randomly received a text from "MEECH" saying that he had hard and soft (which I know are slang words meaning crack and powder cocaine, respectively). The CI stated that MEECH told the CI that he and his associates are now living in Barnet. The CI further stated that he/she learned the

exact address in Barnet while dropping a friend off. The CI stated that, on this day, he/she had contacted "MEECH" earlier in the day to see if he/she could get heroin, and "MEECH" told the CI to wait two minutes and he would call his guy. The CI stated that when he/she arrived at the Subject Premises, he/she called "MEECH" to let him know of CI's arrival, and then a male came out of the house and asked what he/she wanted. The CI further stated that CI told the male that he/she was there to talk with "MEECH" and that "MEECH" had told him/her to go there. The CI stated that the male then asked him/her again what he/she wanted, and the CI responded that she wanted a "bun" (which is slang for 10 bags of heroin). The CI stated that the male went into the Subject Premises and came back out with a bun. The CI stated that he/she directly handed the male the \$110.00, and the CI stated that the male then handed him/her the heroin. The CI stated that he/she did not come in contact with any other individuals; the CI further stated that he/she did not tamper with, destroy, or ingest any heroin.

12. Sgt. Cochran counted the bags of heroin turned over by the CI after the buy and determined that there were only 9 bags in the bundle, not 10, as is typical. Law enforcement conducted a thorough post-buy search of the CI's person and vehicle and did not find any heroin or other contraband. The CI stated that he/she had not counted the bags prior to handing them over to Sgt. Cochran. After examining the bundle and the tight rubber band around it Sgt. Cochran concluded that the CI did not take a bag of heroin.

13. The CI placed a recorded call to MEECH at phone number 862-944-6232 to tell him that he/she had been shorted. When a male voice answered the phone, the CI addressed him as "MEECH," and he said he was sorry for the shorted heroin and he would make good with

him/her. "MEECH" also stated that he was getting his oil changed so he was not at the Subject Premises.

14. Sgt. Cochran field tested the suspected heroin using an NIK brand field testing kit. The test came back positive for the presence of heroin.

15. On August 6, 2015, Sgt. Cochran showed the CI a New York Bureau of Prisons booking photo of Miguel ZAYAS, and the CI identified ZAYAS as the person he/she knows as "MEECH." Sgt. Cochran further showed the CI a Vermont Department of Motor Vehicles picture of Thomas Newman, and the CI stated that he/she recognized the person as being the male who sold him/her heroin at the Subject Premises.

16. Based on my training and experience, I know that persons who participate in the distribution of controlled substances frequently use cellular telephones, among other devices, to coordinate their unlawful activities and to maintain contact with suppliers and consumers of illegal narcotics. I also know that drug distributors frequently carry cell phones.

17. In my training and experience, I have learned that MetroPCS is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate at least two kinds of information about the locations of the cellular telephones to which they provide service: (1) Precision Location data, also known as GPS data or latitude-longitude data, and (2) cell-site data, also known as "tower/face information" or cell tower/sector record. Precision Location data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by triangulating on the device's signal using data from several of the provider's cell towers. Cell-site data

identifies the "cell towers" (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the "sector" (i.e., 120-degree face of the tower) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data is typically less precise than Precision Location.

18. Based on my training and experience, I know that MetroPCS can collect Precision Location data about the location of the Target Cell Phone, including by initiating a signal to determine the location of the Target Cell Phone on the network for MetroPCS, or with such other reference points as may be reasonably available.

19. Based on my training and experience, I know that MetroPCS can collect cell-site data about the Target Cell Phone.

20. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

21. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the Target Cell Phone would seriously jeopardize the ongoing investigation, as such a disclosure would give that person

an opportunity to change patterns of behavior, notify confederates, and flee from prosecution. Moreover, to the extent that the warrant authorizes the seizure of any tangible property, any wire or electronic communication (as defined in 18 U.S.C. § 2510), or any stored wire or electronic information, there is reasonable necessity for the seizure for the reasons set forth above.

22. I further request that the Court direct MetroPCS, to disclose to the Government any information described in Attachment B that is within the custody, possession, or control of MetroPCS. I also request that the Court direct MetroPCS to furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the information described in Attachment B unobtrusively and with a minimum of interference with MetroPCS, including by initiating a signal to determine the location of the Target Cell Phone on MetroPCS or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The Government shall reasonably compensate MetroPCS, for reasonable expenses incurred in furnishing such facilities or assistance.

23. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to locate the Target Cell Phone outside of daytime hours.

24. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. In addition, should Carter learn that this investigation

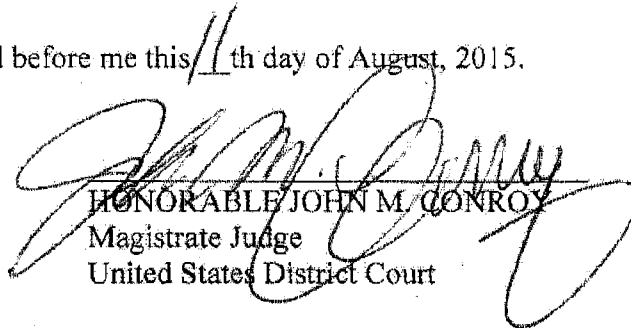
includes efforts to track his location through his cell phone, he would be expected to take steps to undermine the efficacy of these efforts. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize this investigation.

Dated at Burlington, in the District of Vermont, this 11 th day of August, 2015.



Colin Simons
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 11 th day of August, 2015.



HONORABLE JOHN M. CONROY
Magistrate Judge
United States District Court

UNITED STATES DISTRICT COURT

for the
District of VermontU.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2015 JUL -2 PM 1:50

CLERK

BY HBC
DEPUTY CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The Cellular Telephone, described with particularity in
Attachment A

Case No. 2:15-mj-33

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
The Cellular Telephone, described with particularity in Attachment A

located in the _____ District of _____ Vermont _____, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21 U.S.C. secs. 841, 846

Offense Description
distribution of heroin, possession with intent to distribute heroin, and conspiracy to commit those offenses.

The application is based on these facts:
See attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Scott Labor, HSI

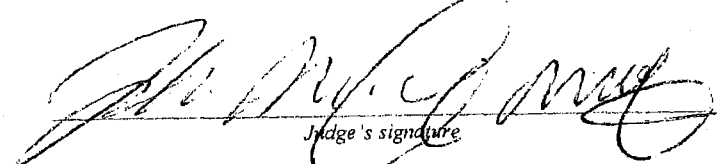
Printed name and title

Sworn to before me and signed in my presence.

Date:

July 2, 2015

City and state: Burlington, Vermont



Judge's signature

Hon. John M. Conroy, United States Magistrate Judge

Printed name and title

001544

AFFIDAVIT

I, Scott Labor, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent ("SA") of the United States Department of Homeland Security, Immigration and Customs Enforcement; Homeland Security Investigations ("HSI"), currently assigned to the Office of the Special Agent In Charge, Boston, Massachusetts, and have been employed in that capacity since June 2005. Since June 2013, I have been assigned to the Resident Agent In Charge, Derby Line, Vermont. I have participated in numerous investigations relating to the possession, distribution, and manufacturing of controlled substances. Through my training and experience, I have become familiar with the manner and methods of illegal narcotic distribution. I have also previously assisted in the execution of numerous federal search warrants in connection with these investigations.

2. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of the cellular telephone, described in Attachment A, which is currently stored in evidence at the office of HSI in Derby Line, VT, and the extraction from the cellular telephone of electronically stored information described in Attachment B.

3. Based on my training and experience I know the following:

- a. Persons who participate in the distribution of controlled substances frequently use cellular telephones, among other communication devices, to coordinate their unlawful activities and to maintain contact with suppliers and consumers of illegal drugs.
- b. I know that information stored in the memories of these communications

devices constitutes evidence of drug trafficking and or the illegal movement of currency. Among other things, the evidence may contain the telephone numbers assigned to the communication devices, messages received by or sent from the devices, identification numbers and other information contained in their electronic memories, and the records of telephone numbers to which calls were placed and from which calls were received.

- c. With their cellular phones, drug traffickers often take photographs of other members of their organizations, assets obtained from profits of drug sales, locations associated with their illegal activity, and other useful evidence.
- d. I also know that persons engaged in such illegal activity will often deny ownership of these phones in an attempt to thwart law enforcement's efforts to connect them to more serious crimes, possible co-conspirators, and/or their sources of supply.
- e. Data contained in a cell phone may reveal the physical location of the cell phone at various times. For example the latitude and longitude of the camera at the time it takes a photograph will be contained in the metadata associated with the picture. Also, if a cellular phone has Global Positioning System ("GPS") capabilities (which many do), additional information regarding locations of the phone, while it follows GPS directions, may be recovered from the device.

- 4. The property to be searched is the content of a cellular telephone, namely one gold

Apple iPhone, Model A1522, bearing FCC ID: BCG-E2817A, IC: 579C-E2817A, and IMEI:355877063797262 (the Cellular Telephone), described with particularity in Attachment A. A photograph of the Cellular Telephone is appended to Attachment A. The applied-for warrant would authorize the forensic examination of the Cellular Telephone for the purpose of identifying electronically stored data particularly described in Attachment B.

5. Based on the facts set forth in this affidavit, there is probable cause to believe that evidence of crimes committed by Lamar Carter, aka "Bando" and "Boogie," namely distribution of heroin, possession with intent to distribute heroin, and conspiracy to commit those offenses, in violation of 21 U.S.C. secs. 841(a)(1) and 846, is located in the Cellular Telephone. The Cellular Telephone described in paragraph 4 was seized in connection with the arrest of Carter on June 21, 2015, and is currently stored in evidence in a secure vault at the office of HSI in Derby Line, VT.

6. I am familiar with the facts and circumstances of this investigation from: (a) my own personal involvement in the investigation and my personal observations; (b) reports and affidavits made available to me by other law enforcement authorities, including Federal Bureau of Investigation (FBI) Special Agent (SA) Colin Simons; Officer Thomas Howell Jr. of the Hartford, Vermont Police Department (HPD), and Detective Christopher Aher of HPD; and (c) my discussions with the foregoing individuals and other law enforcement officers. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned by law enforcement during the course of the investigation. This affidavit is offered to demonstrate that probable cause exists to believe that evidence of a crime is located in the following property:

7. In support of this search warrant affidavit, I have attached and incorporated herein by reference a search warrant application and affidavit, signed by Federal Bureau of Investigation Special Agent Simons on March 10, 2015, in support of a warrant to obtain location information associated with a cellular telephone used by Carter.

8. On June 23, 2015 I spoke with HPD Officer Thomas Howell, and Officer Howell provided me with the following information regarding Lamar Carter:

- a. Officer Howell indicated that on June 21, 2015 officers from HPD were called to the McDonald's parking lot located at 45 Beswick Drive, White River Junction, Vermont, for a medical emergency. Upon arrival HPD officers encountered Claire Marden, Lamar Carter, and Joel Cruz, who were all standing around a white Mazda MZ 3, bearing Vermont registration GHR934. Officer Howell indicated that Marden told officers that she had used methamphetamine in the morning and was overheating. Officer Howell indicated that Carter and Cruz admitted that they had been arrested before. Officer Howell indicated that Carter told him they had left Lyndonville, Vermont earlier in the day and that they were going to Brattleboro. Officer Howell indicated that Carter told him he was at Lyndon State College earlier in the day to clean out his dorm room. Officer Howell indicated that school has been out since early May and suggested that Carter couldn't have been in Lyndonville to clean out his dorm room.
- b. Officer Howell indicated that Officer Logan Scelza determined that Carter

had a previous drug charge arrest, which Carter denied. Officer Howell further indicated that Sergeant (Sgt.) Jason Pedro observed tattoos on Carter indicating gang affiliation with the Jersey Boy's and Bloods. Officer Howell indicated that he knows that the Jersey Boy's gang is known to use the interstate 89 corridor to transport drugs to the northern parts of Vermont, Officer Howell indicated that he knows the Jersey Boys are also known to carry firearms. Officer Howell stated that he conducted a pat down search of Carter.

- c. Officer Howell indicated that Carter was wearing loose gym shorts with the pockets open, Officer Howell indicated that he observed a large sum of cash in Carter's right pocket; Officer Howell indicated that he also observed in plain view a green leafy substance in Carter's left pocket. Officer Howell indicated that based on his training and experience he believed the green leafy substance to be marijuana. Officer Howell indicated that he found a large sum of cash in Carter's right front pocket; Officer Howell further indicated that in Carter's left front pocket he found a green leafy substance that he identified as Marijuana. Officer Howell indicated that he also found waxed baggies consistent with Heroin packaging, Officer Howell indicated that it was later determined that there were 46 bags of Heroin. Officer Howell indicated that Carter and Cruz were arrested on scene and transported to the Hartford Police Department for further processing.

9. On June 23, 2015 I spoke with HPD Det. Christopher Aher, and Det. Aher provided the following information:

- a. Det. Aher indicated that on June 21, 2015, he was called in to work by HPD Sgt. Pedro to assist with a suspicious incident that was ongoing at the McDonald's parking lot. Det. Aher indicated that upon arrival to the scene he encountered Lamar Carter in a HPD cruiser; Det. Aher further indicated that he identified himself to Carter as a law enforcement officer. Det. Aher indicated that he verbally informed Carter of his Miranda Rights. Det. Aher indicated that Carter acknowledged his rights and stated that he wished to speak about the incident with Det. Aher. Det. Aher indicated that Carter provided the following information:
- b. Carter indicated that he had been in possession of approximately \$4,400 in United States currency as well as approximately 48 bags of heroin. Carter at first indicated that the large sum of money was not proceeds from heroin sales in the St. Johnsbury area, but later Carter stated "I saw an opportunity to make some money, I went up to make a deal with my stuff, but I didn't like it and the deal went bad, so we left."
- c. Det. Aher indicated that he witnessed HPD Officer Logan Scelza count the cash that was seized from Carter; Officer Scelza confirmed the count at \$4,440.00 U.S. currency. Det. Aher indicated that approximately 13 grams of a green-leafy substance was also seized from Carter. Det. Aher further indicated that the green leafy substance tested positive for

marijuana, using a NiK field test kit. Det. Aher indicated that a total of 46 wax glassine bindles, stamped with the "Miami Heat" logo and "Brick House" logo were seized from Carter. Det. Aher indicated that a test of the substance within the said bindles, using a NiK field test kit revealed that the substance did test positive as heroin. Det. Aher indicated that Carter was in possession of approximately 1.426 grams of actual heroin within the seized 46 bags.

10. Officer Howell also told to me that the Cellular Telephone was in Carter's hand during his initial encounter with him. Officer Howell indicated that he asked Carter to set the phone on the hood of his cruiser. Officer Howell indicated that, when he arrested Carter, he seized the Cellular Telephone. Det. Aher further indicated that Carter later asked him if he could have his phone back, to which Det. Aher told him "no."

11. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone, or smart phone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call log," which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless

telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system ("GPS") technology for determining the location of the device.

- b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.
- c. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records

of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

- d. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents,

spreadsheets, and presentations. PDAs may also include global positioning system ("GPS") technology for determining the location of the device.

- e. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

12. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

13. *Forensic Evidence:* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how and when the two cellular telephones were used, the purpose of their use, who used them, and when. There is probable cause to believe that things that were once stored on the two cellular telephones may still be stored there, for at least the following reasons:

- a. Data on a storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted

portion of a file (such as a paragraph that has been deleted from a word processing file).

- b. Forensic evidence on a device can also indicate who has used or controlled the device. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence.
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.
- d. The process of identifying the exact electronically stored information on a storage medium is a dynamic process. Electronic evidence is not simply data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.
- e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, it is sometimes necessary to establish that a particular thing is not present on a storage medium.

14. *Nature of Examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant for which I apply would permit the examination of the two cellular


telephones consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the devices to human inspection in order to determine whether it is evidence described by the warrant. The process of completing a search and analysis of the two cellular telephones may take longer than 14 days to complete.

15. Because this warrant seeks only permission to examine devices already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

CONCLUSION

16. I submit that this affidavit supports probable cause for a search warrant to examine the Cellular Telephone described in Attachment A and to seek the items described in Attachment B.

Dated at Burlington, in the District of Vermont, this 02 day of July, 2015.



Scott Labor
Special Agent
Homeland Security Investigations

Sworn to and subscribed before me this 2^d day of July, 2015.



JOHN M. CONROY
United State Magistrate Judge

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILEDfor the
District of Vermont

2015 MAR 10 PM 12:37

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 Information associated with cellular telephone number
 (802) 473-8222 that is stored at premises controlled by
 Cellco Partnership, LLP D/B/A Verizon Wireless

Case No.

2:15-MJ-33

BY CLERK
DEPUTY CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
 See Attachment A.

located in the _____ District of _____ Vermont and elsewhere _____, there is now concealed *(identify the person or describe the property to be seized)*:
 See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 21 U.S.C. Section 841

Distribution of heroin

Offense Description

The application is based on these facts:
 See attached Affidavit, Incorporated herein

- ☒ Continued on the attached sheet.
☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Colin Simons

Applicant's signature

Colin Simons, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Mar 10, 2015

City and state: Burlington, Vermont

John M. Conroy
 Judge's signature

John M. Conroy, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Colin Simons, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Burlington, Vermont Resident Agency of the Albany Division. I have been a Special Agent for over 10 years. I am responsible for working a variety of criminal violations, to include violent crimes and gangs. I have completed the seventeen-week training program provided by the FBI, which includes instruction in the investigation of various criminal offenses. In addition to the formal training I have received from the FBI, I have also completed the Frances Glessner Lee Seminar in Homicide Investigations, the University of Tennessee's Human Remains Recovery School, a Department of Justice Asset Forfeiture Program, and a Forensic Cell Phone Data Recovery course. I have also been the affiant to numerous federal complaints and search warrants pertaining to violent crime and drugs. As a Special Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) for information about the location of cellular telephone number (802) 473-8222 [the "Target Cell Phone"], whose wireless service provider is CELLCO PARTNERSHIP, LLP D/B/A VERIZON WIRELESS (Verizon or Verizon Wireless), headquartered at 180 Washington Valley Road, Bedminster, NJ 07921, and that is stored at premises owned, maintained, controlled, or operated by Verizon Wireless. I know through database checks conducted by an operational support technician who works in my office that Verizon is the company that is the carrier/owner of the Target Cell Phone.

3. The Target Cell Phone and property to be searched are described herein and in Attachment A, and the location information, both historical and prospective, and corresponding call detail records, to be seized are described herein and in Attachment B.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that Lamar Carter, a.k.a. "Bando" and "Boogie," is involved in distribution of heroin in St. Johnsbury, Vermont, in violation of 21 U.S.C. § 841(a)(1). In addition, there is probable cause to believe that Carter has used the Target Cell Phone as a tool in committing that crime. There is also probable cause to believe that the location information for the Target Cell Phone described in Attachment B will lead to evidence of such crimes, fruits of such crimes, and property used to commit such crimes, within the meaning of Federal Rule of Criminal Procedure 41(c)(1),(2), and (3).

5. I am familiar with the facts and circumstances of this investigation from: (a) my own personal involvement in the investigation and my personal observations; (b) reports made available to me by other law enforcement authorities, including Detective Trooper Charles Winn of the Vermont State Police Drug Task Force (VDTF); and (c) my discussions with Det. Winn; VDTF Sgt. Wade Cochran; and VDTF Det. Sgt. Karl Gardner. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned by law enforcement during the course of the investigation.

6. In late 2014, the VDTF began investigating the heroin trafficking activities of Lamar Carter, a.k.a. "Bando" and "Boogie," and his associates in the St. Johnsbury, Vermont area. On March 5, 2015, Det. Winn met with a CI that is assisting the VDTF in exchange for consideration on a pending criminal charge, DUI. The CI has prior misdemeanor convictions for narcotics possession (stimulant/depressant); violation of release conditions; and two counts of

alcohol consumption/possession by a minor (two separate cases). The CI also sustained a felony conviction for possession of a pound or more of marijuana in 2010 and received a five-year deferred sentence. The CI has a history of heroin and crack cocaine use. To law enforcement's knowledge, the CI was not using illicit drugs during the events described below.

7. On March 5, 2015, Det. Winn used the CI to perform a controlled (law enforcement-monitored) buy of heroin from Carter. The CI knows Carter because the CI bought heroin from Carter before working for the VDTF as a CI. Det. Winn has previously shown the CI a Vermont Department of Motor Vehicles (VTDMV) photo of Lamar Carter, which the CI identified as "Lamar." The CI said that Lamar also goes by "Bando" or "Boogie." In the early afternoon of March 5, 2015, the CI placed a call to the number it had stored in its phone for Carter, 802-473-8222, the Target Cell Phone. Det. Winn recorded this call and noted that the CI had this number saved in the CI's phone as "Bando." During the call, the CI and Carter had the following conversation, in substance: the CI asked Carter if the CI could meet with Carter to get a "brick" later in the day; Carter told the CI, "call me." I know from my training and experience in narcotics investigations that a "brick" refers to 50 bags of heroin. Shortly thereafter, the CI texted the Target Cell Phone asking about the price of a brick, and received a text that stated: "we talk in person." Det. Winn photographed these text messages.

8. In the early evening of March 5, 2015, the CI met with Det. Winn and Det. Sgt. Gardner at a predetermined location, where Det. Winn thoroughly searched the CI's person and vehicle and located no weapons, large amounts of money, or contraband. Det. Sgt. Gardner affixed a digital recorder, audio transmitting device, and a video recorder (which also records audio) to the CI's person. The CI was also provided with \$500 in prerecorded VDTF funds to make the heroin purchase from Carter. The CI placed another recorded call to the Target Cell

Phone, which Det. Winn recorded. During the call, the CI and Carter had the following conversation, in substance: the CI told Carter it was traveling to St. Johnsbury from Lyndonville and asked Carter if he still wanted to meet and, if so, where they should meet; Carter told the CI to meet at White's Market in St. Johnsbury and to come alone.

9. Following this call, the CI traveled in its vehicle to 385 Portland Street, St. Johnsbury, the address of White's Market. Det. Winn conducted surveillance of the CI's vehicle from his vehicle as the CI traveled to that location, until it turned into the parking lot at 385 Portland Street. VDTF Sgt. Cochran and I were also conducting surveillance and we observed the CI in its vehicle in the parking lot waiting for Carter to arrive. About fifteen minutes after the CI's arrival to the parking lot, Sgt. Cochran observed a male (later identified by law enforcement as Carter) get into the CI's vehicle and watched the CI's vehicle leave the parking lot. Det. Winn conducted surveillance of the CI's vehicle as it drove around the block, then dropped the male off in the area of 521 Concord Ave., St. Johnsbury, which is in vicinity of 385 Portland Street. When the male exited the CI's vehicle, Sgt. Cochran was able to positively identify him as Lamar Carter. Sgt. Cochran has previously viewed Carter's Vermont DMV photo. Following the drop off of Carter, the CI traveled in its vehicle to a predetermined meet location, under the visual surveillance of Det. Sgt. Gardner.

10. Once at the predetermined meet location, the CI entered Det. Winn's vehicle and handed him 50 wax paper baggies containing suspected heroin. Det. Winn field tested the content of one bag, and it was positive for heroin. Det. Winn thoroughly searched the CI and the CI's vehicle again and located no contraband, weapons, or large amounts of money. During the events described above, no member of law enforcement conducting surveillance saw the CI meet with anyone other than Carter.

11. The CI provided Det. Winn with a sworn statement, in which the CI stated, in substance, among other things:

a. Carter arrived to the parking lot on foot and got into the CI's vehicle. Only the CI and Carter were in the vehicle. When Carter got into the vehicle, he told the CI to take a cruise around the block. While they were driving, they discussed the price of heroin. Carter told the CI that he could not do better than \$500 for 50 bags. After the transaction, the CI dropped Carter off at his St. Johnsbury residence. In the car, Carter directly handed the CI 50 bags of heroin that came out of his pocket, and the CI directly handed Carter \$500. The CI told Carter that the CI would not usually go through Carter to buy heroin but the CI's other person was not in town right now. The CI did not use, tamper with, ingest, or destroy any narcotics.

12. Det. Sgt. Gardner and Det. Winn have reviewed the audio/video recording (recorder affixed to CI) of the CI's controlled buy of heroin from Carter. They report that the following can be heard/seen in the video (statements relayed in substance):

a. The CI can be heard speaking on the phone with someone just prior to arriving in the area of White's Market. On the phone the CI stated that the CI is almost there. After a few minutes parked, a male (identified by the CI and law enforcement as Carter) enters the CI's vehicle and says "what's good." The male tells the CI to take a drive. The CI told the male that the CI and the CI's buddy wanted to get a brick. The CI also stated that the CI's buddy has good shit from the city, but stated that the CI could not wait for his buddy because he would be sick before his buddy came to the area. The male asked the CI how much his buddy charged. The CI said three or four hundred. The male said he could not charge that low a price, but could do "five." At this point, you can see an

exchange of money and suspected heroin between the two persons in the vehicle. It is too dark to identify faces. The male asked the CI if the CI was trying to set him up. The CI answered in the negative.

13. Det. Winn has listened to the other audio recordings of the CI's controlled buy of heroin from Carter. Det. Winn reports that the other audio recordings are muffled and conversation is difficult to make out.

14. On January 22, 2015, the same CI performed a controlled buy of 20 bags of heroin from Lamar Carter in St. Johnsbury, working with Det. Winn and other members of the VDTF. The buy followed the same search protocols as the controlled buy described above, and found no drugs or weapons. During the search I located \$400 in the CI's vehicle. The CI said that this money was meant to help the CI's significant other get a medical procedure. I held the money during the controlled buy and returned the money to the CI after the controlled buy was complete. The CI wore VDTF audio recording equipment to the buy. According to the CI's post-buy sworn statement, the actual transaction occurred in the CI's vehicle and Carter sold the CI the heroin. The CI met with Carter before the transaction inside a commercial establishment at 275 Railway Street in St. Johnsbury and a VDTF officer video recorded the CI and Carter meeting inside that business. VDTF officers can positively identify the person the CI met with as Carter, having previously seen Carter's VTDMV photo. The substance the CI purchased on this occasion field tested positive as heroin. On the audio recording of the transaction, the CI can be heard asking Carter, in substance, among other things, if it was "the same shit as last time," and Carter asked the CI if the CI was trying to set him up. This controlled buy was arranged by the CI placing a recorded call to Carter at (802) 473-8222, the Target Cell Phone. On that call,

Carter told the CI to meet him at the establishment at 275 Railway Street, St. Johnsbury. After this controlled buy, the CI dropped Carter off in the area of 521 Concord Ave, St. Johnsbury.

15. Based on my training and experience, I know that persons who participate in the distribution of controlled substances frequently use cellular telephones, among other devices, to coordinate their unlawful activities and to maintain contact with suppliers and consumers of illegal narcotics. I also know that drug distributors frequently carry cell phones.

16. In my training and experience, I have learned that Verizon is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate at least two kinds of information about the locations of the cellular telephones to which they provide service: (1) Precision Location data, also known as GPS data or latitude-longitude data, and (2) cell-site data, also known as "tower/face information" or cell tower/sector record.

Precision Location data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by triangulating on the device's signal using data from several of the provider's cell towers. Cell-site data identifies the "cell towers" (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the "sector" (i.e., 120-degree face of the tower) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data is typically less precise than Precision Location.

17. Based on my training and experience, I know that Verizon can collect Precision Location data about the location of the Target Cell Phone, including by initiating a signal to determine the location of the Target Cell Phone on the network for Verizon, or with such other reference points as may be reasonably available.

18. Based on my training and experience, I know that Verizon can collect cell-site data about the Target Cell Phone.

19. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

20. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the Target Cell Phone would seriously jeopardize the ongoing investigation, as such a disclosure would give that person an opportunity to change patterns of behavior, notify confederates, and flee from prosecution. Moreover, to the extent that the warrant authorizes the seizure of any tangible property, any wire or electronic communication (as defined in 18 U.S.C. § 2510), or any stored wire or electronic information, there is reasonable necessity for the seizure for the reasons set forth above.

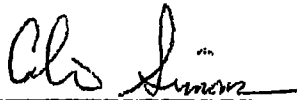
21. I further request that the Court direct Verizon, to disclose to the Government any information described in Attachment B that is within the custody, possession, or control of

Verizon. I also request that the Court direct Verizon to furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the information described in Attachment B unobtrusively and with a minimum of interference with Verizon, including by initiating a signal to determine the location of the Target Cell Phone on Verizon or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The Government shall reasonably compensate Verizon, for reasonable expenses incurred in furnishing such facilities or assistance.

22. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to locate the Target Cell Phone outside of daytime hours.

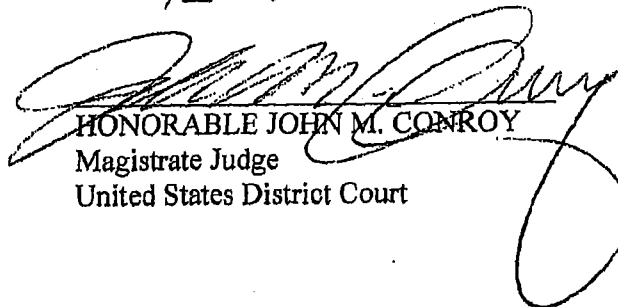
23. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. In addition, should Carter learn that this investigation includes efforts to track his location through his cell phone, he would be expected to take steps to undermine the efficacy of these efforts. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize this investigation.

Dated at Burlington, in the District of Vermont, this 10th day of March, 2015.



Colin Simons
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 10th day of March, 2015.



HONORABLE JOHN M. CONROY
Magistrate Judge
United States District Court

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILEDfor the
District of Vermont

2015 APR -7 AM 11:58

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)521 Concord Avenue, Apartment 2, St. Johnsbury,
Vermont, described with particularity in Attachment A

Case No.

BY 
DEPUTY CLERK

2:15-mj-46

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
521 Concord Avenue, Apartment 2, St. Johnsbury, Vermont, described with particularity in Attachment A

located in the _____ District of _____ Vermont _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

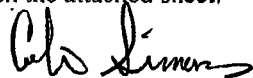
The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a)(1), 846	distribution of heroin, a Schedule I controlled substance, and conspiracy to commit offense

The application is based on these facts:

See attached Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Colin Simons, FBI

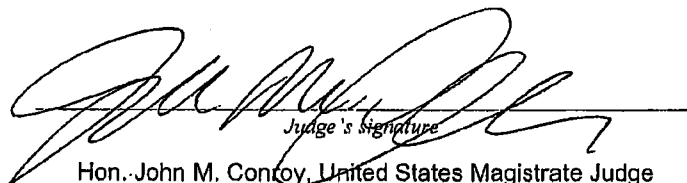
Printed name and title

Sworn to before me and signed in my presence.

Date:

April 7, 2015

City and state: Burlington, Vermont



Hon. John M. Conroy, United States Magistrate Judge

Printed name and title

000133

AFFIDAVIT

I, Colin Simons, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Burlington, Vermont Resident Agency of the Albany Division. I have been a Special Agent for over 10 years. I am responsible for working a variety of criminal violations, to include violent crimes and gangs. I have completed the seventeen-week training program provided by the FBI, which includes instruction in the investigation of various criminal offenses. In addition to the formal training I have received from the FBI, I have also completed the Frances Glessner Lee Seminar in Homicide Investigations, the University of Tennessee's Human Remains Recovery School, a Department of Justice Asset Forfeiture Program, and a Forensic Cell Phone Data Recovery course. I have also been the affiant to numerous federal complaints and search warrants pertaining to violent crime and drugs. As a Special Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. This affidavit supports an application for a warrant authorizing the search of the second floor apartment at 521 Concord Avenue, Apartment 2, St. Johnsbury, Vermont described and depicted more fully in Attachment A (the Subject Premises), for evidence relating to violations of 21 U.S.C. §§ 846, 841(a)(1), conspiracy to distribute heroin and distribution of heroin, a Schedule I controlled substance. The items to be seized are listed in Attachment B. Since this affidavit is submitted for the limited purpose of establishing probable cause, it does not include every fact known to law enforcement about the events described below.

3. I am familiar with the facts and circumstances of this investigation from: (a) my own personal involvement in the investigation and my personal observations; (b) reports made available to me by other law enforcement authorities, including Sgt. Wade Cochran of the Vermont State Police Drug Task Force (VDTF); and (c) my discussions with Sgt. Cochran; VDTF Det. Sgt. Karl Gardner; and VDTF Lieutenant Matthew Amadon. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned by law enforcement during the course of the investigation.

4. In late 2014, the VDTF began investigating the heroin trafficking activities of Lamar Carter, a.k.a. "Bando" and "Boogie," and his associates, including Timothy Kran, in the areas of St. Johnsbury and Lyndon, Vermont. On March 10, 2015, I signed a search warrant affidavit for information associated with a cellular telephone, *see* 2:15-mj-33. That affidavit contains information relevant to this investigation. It is attached and incorporated for purposes of this affidavit.

5. On April 3, 2015, Sgt. Cochran met with a CI that is assisting the VDTF and other law enforcement agencies in exchange for consideration on a pending felony charge, distribution of heroin, which was charged by federal criminal complaint on March 10, 2015. The CI was arrested on that charge, agreed to cooperate with law enforcement, and waived speedy presentment. The CI was on state probation for a felony narcotics offense conviction sustained in early 2014) when the CI committed the heroin trafficking offense that led to the federal charge. The CI has also violated state probation on a prior occasion (separate from the new federal charge). The CI also has a series of misdemeanor convictions. The CI has an opiate addiction.

6. Since agreeing to cooperate with law enforcement, the CI has advised VDTF the following, in substance:

a. Lamar Carter sells heroin in the St. Johnsbury area, with the help of Timothy Kran of Lyndonville. Carter is from New Jersey and, when in Vermont, stays at, and sells heroin from the residence of Karen Schuman, at 521 Concord Avenue, St. Johnsbury (the Subject Premises). 521 Concord Avenue is a building containing three apartments. There is only one apartment on the second floor, and this is the apartment in which Karen Schuman resides and Lamar Carter stays. That apartment is accessible from a rear exterior staircase to a second floor entry as well as through a front door. Most people enter the Subject Premises through the rear staircase. The CI has bought heroin from Carter at that residence in the past. Carter used to stay with the CI at a different residence in St. Johnsbury, and he also sold heroin from that residence. The CI estimates that, prior to the CI's federal arrest, the CI purchased heroin about 7-10 times per week from Carter, 3 bags to five bundles at a time. Kran is a "runner" for Carter, who drives him around so he can pick up and deliver heroin. In the last several days, Kran told the CI that Carter owes him a brick (50 bags) of heroin as payment for serving as Carter's driver and for performing heroin deliveries. The CI has viewed a Vermont Department of Motor Vehicles (VTDMV) photo of Carter and identified him as Lamar Carter. The CI viewed known photo of Kran (there was no indication on the photo that it was a booking photo) and identified the individual in the picture as Timothy Kran. The CI met Kran through Lamar Carter and his associates while Carter stayed with the CI at the CI's former residence.

7. Sgt. Gardner was personally present when Kran was pulled over 2006 blue Nissan Xterra, bearing Vermont registration GDP4702, with Vehicle Identification Number 5N1AN08WX6C535192 (the "Subject Vehicle") in Vermont on March 28, 2015. Kran was identified as the operator of the vehicle and Lamar Carter was identified as the passenger. A consent search of the vehicle during this incident turned up marijuana in a hidden compartment and a small amount of heroin on Kran. Prior to the vehicle stop, the CI advised law enforcement that Kran and Carter were traveling in the Subject Vehicle and that the CI believed they were picking up drugs.

8. On April 3, 2015, the CI met with Sgt. Cochran at a predetermined location to coordinate a controlled (law enforcement-monitored) buy of heroin from Kran. Sgt. Cochran and other members of VDTF conducting surveillance during this controlled buy had previously viewed a VTDMV picture of Kran. In Sgt. Cochran's presence, the CI placed an unrecorded call to Kran at the number the CI had for him, 732-749-5886. During the call, Sgt. Cochran could clearly hear a male voice (whom the CI identified as Kran) talking to the CI. During the call, Kran told the CI, in substance, that he had a car full of people, and was out doing deals, but agreed to meet the CI in 25 minutes at the Cumberland Farms at 385 Portland Street, St. Johnsbury. The CI told Sgt. Cochran that Kran would not discuss drugs over the phone, but that the CI believed the CI could purchase up to a brick (50 bags) of heroin from Kran at one time.

9. Prior to meeting Kran, law enforcement thoroughly searched the CI's person and located no weapons, large amounts of money, or contraband. Sgt. Cochran also affixed a digital recorder to the CI's person. The CI was also provided with \$240 in prerecorded VDTF funds and told to make a purchase of 2 bundles (20 bags) of heroin

from Kran. The CI walked to the Cumberland Farms under law enforcement surveillance. While the CI waited, Sgt. Gardner saw Kran pull into the parking lot operating the Subject Vehicle. He was the sole occupant of the vehicle. Kran pulled up next to the CI in the Subject Vehicle at the Cumberland Farms, met with the CI a short time then drove out of the parking lot. A VTDMV records check revealed that Kran is the registered owner of the Subject Vehicle.

10. When Kran pulled out of the Cumberland Farms parking lot, the CI called Sgt. Cochran and advised him, in substance, that Kran had taken the money VDTF provided and had to go to the house at 521 Concord Avenue, St. Johnsbury (the Subject Premises), where Lamar Carter stays, to get the heroin. In the phone call, the CI reported to Sgt. Cochran that Kran wanted to meet to do the deal at White's Market at 385 Portland Street, St. Johnsbury. Sgt. Cochran approved this as a meeting location and surveillance officers watched the CI walk to that location.

11. Meanwhile, Lt. Amadon observed Kran pull into the driveway at 521 Concord Avenue, park and walk toward the entryway of the residence. I have reviewed photographs of Kran as he approached the entryway for the second floor apartment via the exterior rear staircase. A short time later, law enforcement also obtained photographs of an individual wearing the same clothes Kran wore on April 3, 2015 (his face cannot be seen) walking down the same rear exterior staircase that leads to the second floor residence. Around this same time, Sgt. Gardner observed Kran in the Subject Vehicle pulling out of the driveway at 521 Concord Avenue, St. Johnsbury, Vermont. He was again the only occupant of the Subject Vehicle at this time. Surveillance officers saw him drive the Subject Vehicle to White's Market and pull up

next to the CI, who was waiting in the parking lot. A short time later, the CI walked away from Kran's vehicle and met with Sgt. Cochran at a prearranged location. At no time, during surveillance did any officer see the CI interact with anyone other than Kran. At the prearranged location, the CI turned over 19 bags, the contents of one of which field tested positive for heroin. Officers thoroughly searched the CI again and located no contraband, weapons, or large amounts of money.

12. In a sworn, post-buy statement, the CI stated the following, in substance, among other things:

- a. Earlier that day, Tim Kran told the CI he could provide the CI with crack or heroin. The CI told Kran the CI would get back to him. The CI placed a call to Kran in Sgt. Cochran's presence and Kran said Kran would meet the CI in 20 or 25 minutes. The CI met with Kran, gave him the money, and told him the CI wanted two bundles. He agreed and told the CI to meet him at White's Market. After he went to get the heroin, he met the CI at White's Market. The CI directly handed Kran money and Kran directly handed the CI heroin. The CI does not know why one of the bundles of heroin was short a bag. Kran told the CI to tell the people to whom the CI intended to sell the heroin that the bundles were one bag short, but the CI told Kran that the CI did not want to do this, because the CI's customers planned to resell the heroin. The CI believed that the CI had talked Kran out of shorting the CI one bag. The CI did not take or ingest the heroin Kran sold.

13. Sgt. Cochran reviewed the audio recorder the CI wore to the controlled buy. On the audio recorder, one can hear the CI ask for two "buns," and a discussion of

meeting at White's Market. A short time later, the CI can be heard talking to a male who says, in substance, to just tell them there was only nine in one.

14. Sgt. Cochran learned from VTDMV records that Kran's registered home address is 51 Cold Hill Road, Lyndonville, Vermont. The CI has confirmed to Sgt. Cochran that Kran resides in Lyndonville with individuals named Kristy and Doug Stetson. Sgt. Cochran searched law enforcement databases, which revealed that Kristy and Doug Stetson reside at 51 Cold Hollow Road, Lyndonville. In the last two weeks (and on occasions separate and apart from the controlled buy of heroin on April 3, 2015, described above), Sgt. Cochran has seen the Subject Vehicle parked at 521 Concord Avenue, St. Johnsbury. At VTDMV records check reviewed by Sgt. Cochran revealed that Karen Schuman resides at 521 Concord Avenue, Apartment 2, St. Johnsbury.

15. Based on my training and experience, and participation in ongoing drug trafficking investigations, I know:

a. That traffickers and distributors of controlled substances normally keep their drugs in their homes or on their property. Dealers do this to keep their products readily available for sale, and to provide security for their drugs as they are constantly vigilant of drug users who would steal their products, and to help keep their activities clandestine as their trade is illegal and they are constantly aware of law enforcement's efforts to discover their activity.

b. That traffickers in controlled substances commonly maintain names and contact information in books, ledgers, cell phones, telephones, personal digital assistants (PDAs), and computers which reflect the names, addresses, telephone numbers, and email addresses of their drug trafficking associates.

c. That it is common for drug traffickers to conceal contraband, proceeds of drug sales, and records pertaining to their drug manufacture and drug transactions, in secure locations within their residences for ready access and that traffickers commonly maintain cash on hand in order to finance their on-going business.

d. That persons selling and distributing regulated drugs usually keep at the locations where those activities take place, paraphernalia including scales, cutting agents, packaging materials, and instruments for consumption.

e. That drug traffickers frequently take or cause to be taken, photographs of themselves, their associates, their property, and their product. These traffickers usually maintain these photographs in their residences or in properties owned or rented by them.

f. That courts have recognized that unexplained wealth is probative evidence of crimes including trafficking in controlled substances. Drug traffickers often have expensive furniture, artwork, antiques, jewelry, precious metals, or other home furnishings, which a search of their residence(s) will reveal.

g. That dealers in regulated substances often keep firearms, ammunition, and other weapons in their residences to safeguard supplies of drugs and fruits of regulated drug dealings.

h. That traffickers who have amassed proceeds from the sales of drugs will often attempt to legitimize these profits. In this process drug traffickers often utilize among other things, banks and their attendant services, securities, cashiers checks, money drafts, real estate, shell corporations, business funds, and vehicles. Records evidencing such services, items, and transactions are maintained where the traffickers

have ready access to them, including their residences and properties owned or rented by them. These items can remain at the drug trafficker's property for a long period of time and may be stored on computers or cellular/smart phones.

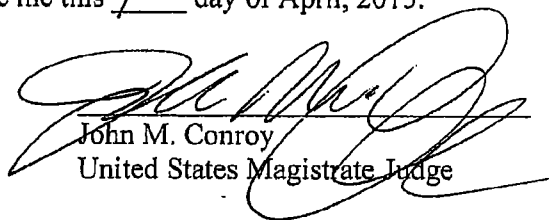
i. Persons who deliver, distribute, or possess regulated drugs often speak with others, in person and over the telephone, regarding the acquisition and delivery or distribution of drugs. Oftentimes, particularly when speaking over the telephone, drug distributors will employ code words or speak cryptically regarding meetings, drug availability and price or about arrangements necessary to effect deliveries. During meetings with their customers the distributors will sometimes refer to their drug sources by name or otherwise as well as make statements about the quantity and quality of the drugs which are being distributed as well as future availability of drugs and price in the future.

Dated at Burlington, in the District of Vermont, this 7th day of April, 2015.



Colin Simons
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 7th day of April, 2015.



John M. Conroy
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of VermontU.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2015 SEP -2 PM 3:01

CLERK

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 521 Concord Avenue, Apartment 2, St. Johnsbury,
 Vermont, described with particularity in Attachment A

Case No. 2:15-mj-46

BY 
DEPUTY CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*
 521 Concord Avenue, Apartment 2, St. Johnsbury, Vermont, described with particularity in Attachment A

located in the _____ District of _____ Vermont _____, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

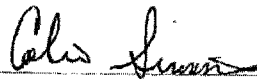
The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a)(1), 846	distribution of heroin, a Schedule I controlled substance, and conspiracy to commit offense

The application is based on these facts:

See attached Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



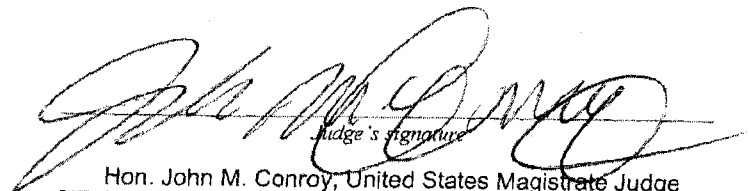
Applicant's signature

Special Agent Colin Simons, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

Sept. 2, 2015City and state: Burlington, Vermont

Hon. John M. Conroy, United States Magistrate Judge

Printed name and title

001875

AFFIDAVIT

I, Colin Simons, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Burlington, Vermont Resident Agency of the Albany Division. I have been a Special Agent for over 10 years. I am responsible for working a variety of criminal violations, to include violent crimes and gangs. I have completed the seventeen-week training program provided by the FBI, which includes instruction in the investigation of various criminal offenses. In addition to the formal training I have received from the FBI, I have also completed the Frances Glessner Lee Seminar in Homicide Investigations, the University of Tennessee's Human Remains Recovery School, a Department of Justice Asset Forfeiture Program, and a Forensic Cell Phone Data Recovery course. I have also been the affiant to numerous federal complaints and search warrants pertaining to violent crime and drugs. As a Special Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. This affidavit supports an application for a warrant authorizing the search of the second floor apartment at 521 Concord Avenue, Apartment 2, St. Johnsbury, Vermont described and depicted more fully in Attachment A (the Subject Premises), for evidence relating to violations of 21 U.S.C. §§ 846, 841(a)(1), conspiracy to distribute heroin and distribution of heroin, a Schedule I controlled substance. The items to be seized are listed in Attachment B. Since this affidavit is submitted for the limited purpose of establishing probable cause, it does not include every fact known to law enforcement about the events described below.

3. I am familiar with the facts and circumstances of this investigation from: (a) my own personal involvement in the investigation and my personal observations; (b) reports made available to me by other law enforcement authorities, including Det. Sgt. Wade Cochran of the Vermont State Police Drug Task Force (VDTF); and (c) my discussions with Sgt. Cochran; VDTF Det. Sgt. Karl Gardner; VDTF Det. Sgt. Shawn Loan and VDTF Lieutenant Matthew Amadon. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned by law enforcement during the course of the investigation. The information in the following paragraphs comes from my consultations with individuals listed above in paragraph 3 and my review of their reports/written summaries. Conversations in this affidavit may be described in substance, not verbatim.

4. On April 7, 2015, this Court issued a search warrant for the Subject Premises, which was never executed. My signed affidavit in support of that search warrant is attached and incorporated by reference for purposes of this affidavit.

5. For several months, the VDTF and FBI have been investigating Miguel Zayas, aka "Meech," and his associates for trafficking heroin in Caledonia County, Vermont. In August 2015, the VDTF learned that Zayas had moved his heroin business to Barnet, Vermont. On August 3, 2015, Sgt. Cochran met with a confidential informant (CI) CI that is assisting the VDTF and other law enforcement agencies in exchange for consideration on a pending 2014 Vermont state charge of felony distribution of heroin. (This is not the same CI as the one referenced in my April 7, 2015 search warrant affidavit, attached hereto). The CI entered into a cooperation agreement with the Attorney General's Office after incurring that charge; under that agreement, CI agreed to

plead guilty and accept a sentence of 6-12 months' imprisonment all suspended with probation. CI has an opiate addiction, but to law enforcement's knowledge was not under the influence of illicit narcotics while working with law enforcement.

6. Since agreeing to cooperate with law enforcement, CI has advised the VDTF the following in substance:

a. The CI has purchased heroin from an individual CI knows as "Meech." Meech has in the past stayed at a residence located at 2567 Barnet Center Road, Barnet, Vermont, and has sold heroin from that residence. (I know that Zayas is currently in federal custody on a drug trafficking charge.) The CI indicated that, when she/he wants to purchase heroin from Meech, CI sends a text message to 862-944-6232 or calls that number. On August 6, 2015, Sgt. Cochran showed the CI a New York Bureau of Prisons booking photo of Miguel ZAYAS, and the CI identified ZAYAS as the person he/she knows as "MEECH."

7. On August 19, 2015 Det. Sgt. Cochran spoke with and arranged to meet with CI. CI told Det. Sgt. Cochran that on the previous day it was in contact with "Meech," via text message, reaching him at the number she had for him (862-944-6232) and asked if it could meet "Meech" at 4:00 PM on August 19th. "Meech" then replied by text message, "Barnet." CI sent a text to Meech and asked if Meech was still in Barnet. Meech responded by text message that he was in St. Johnsbury. After a brief text conversation about where to meet "Meech," "Meech" sent a text message explaining he would be at the house on Concord Avenue in St. Johnsbury. CI told Sgt. Cochran that CI knows this address as 521 Concord Avenue in St Johnsbury and described the house as a white apartment building with a driveway around back. CI advised it would have to walk

up the stairs in the back of the apartment building to meet "Meech." CI sent Meech a reply with a text message that it is looking for a "bun" (which means ten bags of heroin). Det. Sgt. Cochran photographed all text messages described above.

8. Prior to meeting "Meech," law enforcement thoroughly searched CI's person and vehicle, and located no weapons, large amounts of money, or contraband. Sgt. Cochran also affixed a digital recorder and an Audio Transmitting Device (ATD) to the CI's person. CI was also provided with \$110 in prerecorded VDTF funds and told to make a purchase of 1 bundle (10 bags) of heroin from "Meech."

9. CI drove to 521 Concord Avenue in St. Johnsbury in its vehicle under law enforcement surveillance. Det Trooper Cassandra Herbes and Det. Sgt. Cochran maintained constant visual surveillance of CI until it reached the driveway of the 521 Concord Avenue residence. Det. Sgt. Shawn Loan was located near the target address and watched CI drive into the driveway and around the rear of the residence. She was further observed exiting her vehicle and approaching the back staircase. The ensuing conversation between CI and "Meech" was transmitted (and recorded) for task force members to monitor. After a brief conversation, CI exited the apartment and Det Sgt Loan watched CI travel from the driveway until Det. Sgt. Cochran and Det Trooper Herbes met with CI.

10. At no time, during surveillance did any officer see or hear the CI interact with anyone before or after arriving at the 521 Concord Avenue residence. At the prearranged location, CI turned over 10 bags, the contents of one of which field tested positive for heroin. Officers thoroughly searched CI's person and vehicle again and located no contraband, weapons, or large amounts of money.

11. In a sworn, post-buy statement, CI stated the following, in substance, among other things:

a. CI said that it contacted "Meech" to purchase heroin under Det. Sgt. Cochran's direction. CI said that it started contacting "Meech" on the 18th of August to see if he would be around on the 19th. CI said the original plan was to go to a house in Barnet, VT, the house it went to to purchase from Meech during a previous controlled buy. After a conversation through text messages, "Meech" told CI to go to the house on Concord Avenue in St. Johnsbury. CI said it was familiar with this house as it had been there in the past to purchase heroin. CI said that it went to the white apartment building and walked out back, up a set of stairs and knocked on the door. "Meech" said to come in. CI said they had a short conversation and "Meech" took the heroin out of his pocket and handed it to CI. CI then handed the money directly to "Meech." CI said it then left and came back to a location to meet with Det. Sgt. Cochran. CI said she did not have contact with any other people and did not tamper, destroy or ingest any heroin. CI also said that it and its vehicle were searched before and after the deal.

12. On August 20, 2015, following Zayas's arrest, Det Sgt Loan and I spoke with Dane Rocheleau, who said he provided transportation for an individual named Meech earlier that day and had allowed Meech and another male to stay on his property the previous night. Rocheleau advised that he drove Meech and the other male to a white residence with red trim located on Concord Avenue in St. Johnsbury, Vermont, across from a "tennis court" business. Rocheleau knew the address because he lived at the same building years prior. He advised the males walked up a back stairway and entered the residence because they wanted to "take a shower." Rocheleau advised he stayed outside

the residence on the upstairs deck where there is a table and chairs. After they exited the apartment, Rocheleau advised he brought Meech and the other male back to his (Rocheleau's) residence in Lyndon, Vermont. Once at the Lyndon residence, he saw Meech in possession of crack cocaine and purchased crack cocaine from Meech. Following Zayas's arrest, on August 20, 2015, Rocheleau consented to a search of his Lyndon residence and pointed out luggage in the residence that belonged to Meech and the other male who had been staying at his house. Execution of a federal search warrant for that luggage revealed a quantity of crack cocaine in a plastic baggie in a duffle bag.

13. On August 21, 2015, Sgt. Loan conducted a consensual interview of Taylor May, the son of Dane Rocheleau. May stated, among other things, in substance, that he ran into the woods the previous day when he heard law enforcement approaching his Lyndon residence, which he shares with his father. He stated that he had been purchasing crack from "Meech" since the beginning of the summer of 2015. He said Meech, and his associate "J," had been staying with him (May) at his Lyndon residence since the previous day. He said J also sells crack and that he had observed J sell crack to his stepmother. He stated that he had sold heroin and crack for Meech the previous day (August 20, 2015),¹ and delivered the heroin proceeds to Meech. He stated he was paid 2.5 grams of crack for doing the deals for Meech. He stated that the duffle bag at his residence belonged to Meech, and that Meech keeps money and drugs in that bag. He stated that there is a blue back pack at his residence that belongs to J, and he thinks J keeps his crack in the back pack. May stated that, since the beginning of the summer, there have been a number of times when he has called Meech to buy heroin, but others

¹ Law enforcement conducted a controlled buy of heroin from Meech on that day and May did the hand to hand delivery of the heroin, along with a small amount of crack.

have made the hand to hand delivery. He estimated he purchased drugs from Karen Schumann or others at Concord Avenue² at least 20 times; from Ryan Farnham at least 10 times; and from Thomas Newman about 5-10 times (1-2 times at his Barnet residence). Yesterday, Newman, who resides at the Barnet residence mentioned in paragraph 11(a), told VDTF that Taylor May called him after Meech's arrest and told him, in substance, that his (May's) stepmother had told him (May) of Meech's arrest; and that he (May) had Meech's bag (from which Newman inferred the drugs); May asked Newman what to do with it. Newman stated he gave May no direction and does not know what happened to the bag.

14. At VTDMV records check reviewed by Sgt. Cochran revealed that Karen Schumann resides at 521 Concord Avenue, Apartment 2, St. Johnsbury, Vermont.

15. Based on my training and experience, and participation in ongoing drug trafficking investigations, I know:

a. That traffickers and distributors of controlled substances normally keep their drugs in their homes or on their property. Dealers do this to keep their products readily available for sale, and to provide security for their drugs as they are constantly vigilant of drug users who would steal their products, and to help keep their activities clandestine as their trade is illegal and they are constantly aware of law enforcement's efforts to discover their activity.

b. That traffickers in controlled substances commonly maintain names and contact information in books, ledgers, cell phones, telephones, personal digital

² I and other investigators perceive this to be a reference to the Subject Premises.

assistants (PDAs), and computers which reflect the names, addresses, telephone numbers, and email addresses of their drug trafficking associates.

c. That it is common for drug traffickers to conceal contraband, proceeds of drug sales, and records pertaining to their drug manufacture and drug transactions, in secure locations within their residences for ready access and that traffickers commonly maintain cash on hand in order to finance their on-going business.

d. That persons selling and distributing regulated drugs usually keep at the locations where those activities take place, paraphernalia including scales, cutting agents, packaging materials, and instruments for consumption.

e. That drug traffickers frequently take or cause to be taken, photographs of themselves, their associates, their property, and their product. These traffickers usually maintain these photographs in their residences or in properties owned or rented by them.

f. That courts have recognized that unexplained wealth is probative evidence of crimes including trafficking in controlled substances. Drug traffickers often have expensive furniture, artwork, antiques, jewelry, precious metals, or other home furnishings, which a search of their residence(s) will reveal.


g. That dealers in regulated substances often keep firearms, ammunition, and other weapons in their residences to safeguard supplies of drugs and fruits of regulated drug dealings.

h. That traffickers who have amassed proceeds from the sales of drugs will often attempt to legitimize these profits. In this process drug traffickers often utilize among other things, banks and their attendant services, securities, cashiers checks,

money drafts, real estate, shell corporations, business funds, and vehicles. Records evidencing such services, items, and transactions are maintained where the traffickers have ready access to them, including their residences and properties owned or rented by them. These items can remain at the drug trafficker's property for a long period of time and may be stored on computers or cellular/smart phones.

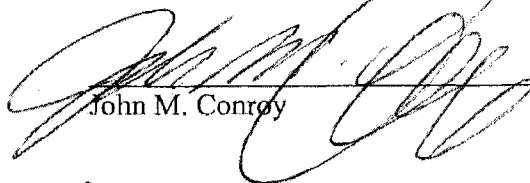
i. Persons who deliver, distribute, or possess regulated drugs often speak with others, in person and over the telephone, regarding the acquisition and delivery or distribution of drugs. Oftentimes, particularly when speaking over the telephone, drug distributors will employ code words or speak cryptically regarding meetings, drug availability and price or about arrangements necessary to effect deliveries. During meetings with their customers the distributors will sometimes refer to their drug sources by name or otherwise as well as make statements about the quantity and quality of the drugs which are being distributed as well as future availability of drugs and price in the future.

Dated at Burlington, in the District of Vermont, this 2nd day of September, 2015.



Colin Simons
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 2nd day of September, 2015.



John M. Conroy

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILEDfor the
District of Vermont

2015 AUG 11 PM 1:18

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Premises at 2567 Barnet Center Road, Barnet, Vermont,
described with particularity in Attachment A

Case No. 2:15-mj-33

CLERK
BY 
DEPUTY CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Premises located at 2567 Barnet Center Road, Barnet, Vermont, described with particularity in Attachment A

located in the _____ District of _____ Vermont _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

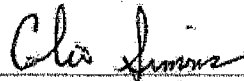
The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a)(1), 846	distribution of heroin, a Schedule I controlled substance, and conspiracy to commit that offense

The application is based on these facts:

See attached Affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Colin Simons, FBI

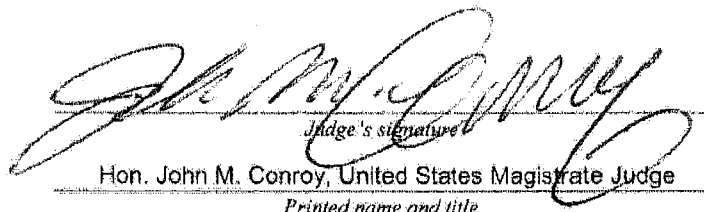
Printed name and title

Sworn to before me and signed in my presence.

Date:

Aug. 11, 2015

City and state: Burlington, Vermont


 Judge's signature
 Hon. John M. Conroy, United States Magistrate Judge
 Printed name and title

001494

AFFIDAVIT

I, Colin Simons, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Burlington, Vermont Resident Agency of the Albany Division. I have been a Special Agent for over 10 years. I am responsible for working a variety of criminal violations, to include violent crimes and gangs. I have completed the seventeen-week training program provided by the FBI, which includes instruction in the investigation of various criminal offenses. In addition to the formal training I have received from the FBI, I have also completed the Frances Glessner Lee Seminar in Homicide Investigations, the University of Tennessee's Human Remains Recovery School, a Department of Justice Asset Forfeiture Program, and a Forensic Cell Phone Data Recovery course. I have also been the affiant to numerous federal complaints and search warrants pertaining to violent crime and drugs. As a Special Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
2. I make this affidavit in support of an application for a warrant authorizing the search of a residence located at 2567 Barnet Center Road, Barnet, Vermont, described and depicted more fully in Attachment A (the Subject Premises), for evidence relating to violations of 21 U.S.C. §§ 846, 841 (a)(1), conspiracy to distribute heroin and distribution of heroin, a Schedule I controlled substance. On August 10, 2015, members of Vermont law enforcement photographed the Subject Premises from a helicopter; certain photographs of the Subject Premises are appended to Attachment A. Due to its rural, secluded location, the Subject Premises is not visible from public roads. The items to be seized are listed in

Attachment B. Since this affidavit is submitted for the limited purpose of establishing probable cause, it does not include every fact known to law enforcement about the events described below.

3. I am familiar with the facts and circumstances of this investigation from (a) my own personal involvement in the investigation and my personal observations; (b) reports and written summaries made available to me by other law enforcement authorities, including Sgt. Wade Cochran of the Vermont State Police Drug Task Force (VDTF); and (c) my discussions with Homeland Security Investigations Special Agent Scott Labor; Sgt. Cochran; VDTF Det. Cassandra Herbes; and VDTF Sgt. Shawn Loan. Because this affidavit is submitted for the limited purpose of establishing probable cause for a search warrant, I have not set forth each and every fact learned by law enforcement during the course of the investigation.
4. For several months, the VDTF and FBI have been investigating Miguel Zayas, aka "Meech," and his associates for trafficking heroin in Caledonia County, Vermont. In August 2015, the VDTF learned that Zayas had moved his heroin business to Barnet, Vermont.
5. The information in paragraphs 5 through 13 comes from my consultations with individuals listed in paragraph 3 and my review of their reports/written summaries of the events described below. On August 3, 2015, Sgt. Cochran met with a CI that is assisting the VDTF and other law enforcement agencies in exchange for consideration on a pending 2014 Vermont state charge of felony distribution of heroin. The CI entered into a cooperation agreement with the Attorney General's Office after incurring that charge;

under that agreement, CI agreed to plead guilty and accept a sentence of 6-12 months' imprisonment all suspended with probation. The CI has no other criminal record. The CI has an opiate addiction, but to law enforcement's knowledge was not under the influence of illicit narcotics during the events described herein.

6. Since agreeing to cooperate with law enforcement, the CI has advised the VDTF the following in substance:
 - a. The CI has purchased heroin from an individual CI knows as "Meech." Meech is currently staying at a residence located at 2567 Barnet Center Road, Barnet, Vermont, and selling heroin from that residence. The CI indicated that, when she/he wants to purchase heroin from Meech, CI sends a text message to 862-944-6232 or calls that number.
7. On August 4, 2015, the CI met Sgt. Cochran at a predetermined location to coordinate a controlled (law enforcement-monitored) buy of heroin from ZAYAS. On August 4, 2015, the CI sent a text message to ZAYAS at 862-944-6232 asking if he/she was still good to stop by around 5 o'clock (CI had earlier communications with ZAYAS about buying a bundle (or ten bags) of heroin from him). CI received the reply, "yea." The CI sent ZAYAS another text message asking if the price was \$130.00, and ZAYAS replied "Na, 110" (meaning the price of a bundle or 10 bags of heroin was \$110.00). Sgt. Cochran photographed the text messages. In Sgt. Cochran's presence, the CI placed a recorded call to ZAYAS at the number the CI had for him, 862-944-6232. When a male voice answered, the CI said, "hey Meech." ZAYAS then asked the CI if the CI was at the house (which the CI understood to mean the Subject Premises), and the CI replied that

he/she was 5 to 10 minutes away. "MEECH" then said "I'm gonna send my man out, call me when your there."

8. Prior to going to the Subject Premises, law enforcement thoroughly searched the CI's person and vehicle, and located no weapons; large amounts of money; or contraband. Sgt. Cochran also affixed a digital recorder and audio transmitting device to the CI's person. During the controlled buy, Sgt. Cochran, Sgt. Loan, and Det. Herbes monitored the audio transmitting device. The CI was also provided with \$110.00 in prerecorded VDTF funds and told to make a purchase of 1 bundle (10 bags) of heroin at the Subject Premises. The CI then drove to the Subject Premises under law enforcement surveillance. Sgt. Cochran and Det. Herbes observed the CI pull into the driveway of 2567 Barnet Center Road, Barnet, Vermont. Due to the rural setting, law enforcement surveillance was unable to follow the CI up the driveway. A short time later the CI was observed driving out of the driveway at which time Sgt. Cochran and Det. Herbes were able to keep constant visual surveillance of the CI.
9. The CI met with VDTF officers after the buy and turned over a quantity of suspected heroin. In a sworn, post-buy statement, the CI stated the following, in substance, among other things:
 - a. The CI stated, prior to the heroin buy, that he/she randomly received a text from "MEECH" saying that he had hard and soft (which I know are slang words meaning crack and powder cocaine, respectively). The CI stated that MEECH told the CI that he and his associates are now living in Barnet. The CI further stated that he/she learned the exact address in Barnet while

dropping a friend off. The CI stated that, on this day, he/she had contacted "MEECH" earlier in the day to see if he/she could get heroin, and "MEECH" told the CI to wait two minutes and he would call his guy. The CI stated that when he/she arrived at the Subject Premises, he/she called "MEECH" to let him know of CI's arrival, and then a male came out of the house and asked what he/she wanted. The CI further stated that CI told the male that he/she was there to talk with "MEECH" and that "MEECH" had told him/her to go there. The CI stated that the male then asked him/her again what he/she wanted, and the CI responded that she wanted a "bun" (which is slang for 10 bags of heroin). The CI stated that the male went into the Subject Premises and came back out with a bun. The CI stated that he/she directly handed the male the \$110.00, and the CI stated that the male then handed him/her the heroin. The CI stated that he/she did not come in contact with any other individuals; the CI further stated that he/she did not tamper with, destroy, or ingest any heroin.

10. Sgt. Cochran counted the bags of heroin turned over by the CI after the buy and determined that there were only 9 bags in the bundle, not 10, as is typical. Law enforcement conducted a thorough post-buy search of the CI's person and vehicle and did not find any heroin or other contraband. The CI stated that he/she had not counted the bags prior to handing them over to Sgt. Cochran. After examining the bundle and the tight rubber band around it Sgt. Cochran concluded that the CI did not take a bag of heroin.

11. The CI placed a recorded call to MEECH at phone number 862-944-6232 to tell him that he/she had been shorted. When a male voice answered the phone, the CI addressed him as "MEECH," and he said he was sorry for the shorted heroin and he would make good with him/her. "MEECH" also stated that he was getting his oil changed so he was not at the Subject Premises.
12. Sgt. Cochran field tested the suspected heroin using an NIK brand field testing kit. The test came back positive for the presence of heroin.
13. On August 6, 2015, Sgt. Cochran showed the CI a New York Bureau of Prisons booking photo of Miguel ZAYAS, and the CI identified ZAYAS as the person he/she knows as "MEECH." Sgt. Cochran further showed the CI a Vermont Department of Motor Vehicles picture of Thomas Newman, and the CI stated that he/she recognized the person as being the male who sold him/her heroin at the Subject Premises.
14. Based on my training and experience, and participation in ongoing drug trafficking investigations, I know:
 - a. That traffickers and distributors of controlled substances normally keep their drugs in their homes or on their property. Dealers do this to keep their products readily available for sale, and to provide security for their drugs as they are constantly vigilant of drug users who would steal their products, and to help keep their activities clandestine as their trade is illegal and they are constantly aware of law enforcement's efforts to discover their activity.
 - b. That traffickers in controlled substances commonly maintain names and contact information in books, ledgers, cell phones, telephones, personal digital assistants

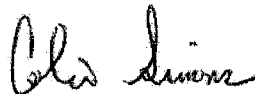
(PDAs), and computers which reflect the names, addresses, telephone numbers, and email addresses of their drug trafficking associates.

- c. That it is common for drug traffickers to conceal contraband proceeds of drug sales, and records pertaining to their drug manufacture and drug transactions, in secure locations within their residences for ready access and that traffickers commonly maintain cash on hand in order to finance their on-going business.
- d. That persons selling and distributing regulated drugs usually keep at the locations where those activities take place, paraphernalia including scales, cutting agents, packaging materials, and instruments for consumption.
- e. That drug traffickers frequently take or cause to be taken, photographs of themselves, their associates, their property, and their product. These traffickers usually maintain these photographs in their residences or in properties owned or rented by them.
- f. That courts have recognized that unexplained wealth is probative evidence of crimes including trafficking in controlled substances. Drug traffickers often have expensive furniture, artwork, antiques, jewelry, precious metals, or other home furnishings, which a search of their residence(s) will reveal.
- g. That dealers in regulated substances often keep firearms, ammunition, and other weapons in their residences to safeguard supplies of drugs and fruits of regulated drug dealings.
- h. That traffickers who have amassed proceeds from the sales of drugs will often attempt to legitimize these profits. In this process drug traffickers often utilize

among other things, banks and their attendant services, securities, cashier's checks, money drafts, real estate, shell corporations, business funds, and vehicles. Records evidencing such services, items, and transactions are maintained where the traffickers have ready access to them, including their residences and properties owned or rented by them. These items can remain at the drug trafficker's property for a long period of time and may be stored on computers or cellular/smart phones.

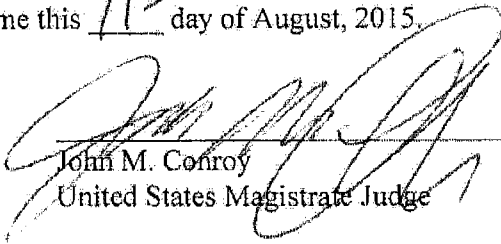
- i. Persons who deliver, distribute, or possess regulated drugs often speak with others, in person and over the telephone, regarding the acquisition and delivery or distribution of drugs. Oftentimes, particularly when speaking over the telephone, drug distributors will employ code words or speak cryptically regarding meetings, drug availability and price or about arrangements necessary to effect deliveries. During meetings with their customers the distributors will sometimes refer to their drug sources by name or otherwise as well as make statements about the quantity and quality of the drugs which are being distributed as well as future availability of drugs and price in the future.

Dated at Burlington, in the District of Vermont, this 11th day of August, 2015.



Colin Simons
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 11th day of August, 2015.



John M. Conroy
United States Magistrate Judge

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILEDfor the
District of Vermont

2015 AUG 21 PM 2:31

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The luggage, described with particularity in Attachment A

Case No.

2:15-mj-127

BY

CLERK

DEPUTY CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
The luggage, described with particularity in Attachment A

located in the _____ District of _____ Vermont _____, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
21 U.S.C. secs. 841, 846

Offense Description
distribution of heroin and cocaine base (crack or crack cocaine) and conspiracy to commit those offenses.

The application is based on these facts:
See attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

C.P.

Applicant's signature

Special Agent Christopher Pandolfi, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

Aug. 21, 2015

City and state: Burlington, Vermont


 Judge's signature
 Hon. John M. Conroy, United States Magistrate Judge
 Printed name and title

AFFIDAVIT

I, Christopher Pandolfi, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations, and have been since 2009. Before holding this position, I served a police officer in Massachusetts for 14 years. In my time with law enforcement, I have been involved in numerous narcotics trafficking, gang, and smuggling investigations.

2. This affidavit supports an application for a warrant authorizing the search of the certain luggage and bags seized on August 20, 2015 in Vermont, and described with particularity in Attachment A ("luggage"), for evidence relating to violations of 21 U.S.C. §§ 846, 841(a)(1), conspiracy to distribute heroin and cocaine base (commonly known as "crack" or "crack cocaine") and distribution of those controlled substances. The items to be seized are listed in Attachment B. The luggage is currently stored in evidence at the Vermont State Police, St. Johnsbury, Vermont barracks. Since this affidavit is submitted for the limited purpose of establishing probable cause, it does not include every fact known to law enforcement about the events described below. Where I describe a statement, it may be described in substance, not verbatim.

3. I am familiar with the facts and circumstances of this investigation from: (a) my own personal involvement in the investigation and my personal observations; (b) reports made available to me by other law enforcement authorities, including Sgt. Wade Cochran of the Vermont State Police Drug Task Force (VDTF); and (c) my discussions with Sgt. Cochran; VDTF Det. Sgt. Karl Gardner; and VDTF Lieutenant Matthew Amadon, among other VDTF officers.

4. For several months, the VDTF, the Federal Bureau of Investigation (FBI), and Homeland Security Investigations (HSI) have been investigating Miguel Zayas, aka "Meech," and his associates for trafficking heroin in Caledonia County, Vermont. In August 2015, the VDTF learned that Zayas had moved his heroin business to Barnet, Vermont. All law enforcement officers mentioned in this Affidavit, including myself, had seen a picture of Zayas prior to August 20, 2015.

5. On August 3, 2015, Sgt. Cochran met with a CI that is assisting the VDTF and other law enforcement agencies in exchange for consideration on a pending 2014 Vermont state charge of felony heroin trafficking. The CI entered into a cooperation agreement with the Attorney General's Office after incurring that charge; under that agreement, CI agreed to plead guilty and accept a sentence of 6-12 months' imprisonment all suspended with probation. The CI has no other criminal record. The CI has an opiate addiction, but to law enforcement's knowledge was not under the influence of illicit narcotics during the events described herein.

6. Since agreeing to cooperate with law enforcement, the CI has advised the VDTF the following in substance:

a. The CI has purchased heroin from an individual CI knows as "Meech." Meech is currently staying at a residence located at 2567 Barnet Center Road, Barnet, Vermont (the Subject Premises), and selling heroin from that residence. The CI indicated that, when she/he wants to purchase heroin from Meech, CI sends a text message to 862-944-6232 or calls that number.

7. On August 4, 2015, the CI met Sgt. Cochran at a predetermined location to coordinate a controlled (law enforcement-monitored) buy of heroin from ZAYAS. On

August 4, 2015, the CI sent a text message to ZAYAS at 862-944-6232 asking if he/she was still good to stop by around 5 o'clock (CI had earlier communications with ZAYAS about buying a bundle (or ten bags) of heroin from him). (ZAYAS used 862-944-6232 to communicate with the CI throughout the events described herein.) CI received the reply, "yea." The CI sent ZAYAS another text message asking if the price was \$130.00, and ZAYAS replied "Na, 110" (meaning the price of a bundle or 10 bags of heroin was \$110.00). Sgt. Cochran photographed the text messages. In Sgt. Cochran's presence, the CI placed a recorded call to ZAYAS at the number the CI had for him, 862-944-6232. When a male voice answered, the CI said, "hey Meech." ZAYAS then asked the CI if the CI was at the house (which the CI understood to mean the Subject Premises), and the CI replied that he/she was 5 to 10 minutes away. "MEECH" then said "I'm gonna send my man out, call me when your there."

8. Prior to going to the Subject Premises, law enforcement thoroughly searched the CI's person and vehicle, and located no weapons; large amounts of money; or contraband. Sgt. Cochran also affixed a digital recorder and audio transmitting device to the CI's person. During the controlled buy, Sgt. Loan, Det. Herbes, and Sgt. Cochran monitored the audio transmitting device. The CI was also provided with \$110.00 in prerecorded VDTF funds and told to make a purchase of 1 bundle (10 bags) of heroin at the Subject Premises. The CI then drove to the Subject Premises under law enforcement surveillance.¹ Det. Herbes and Sgt. Cochran observed the CI pull into the driveway of 2567 Barnet Center Road, Barnet, Vermont. Due to the rural setting, law enforcement

¹ For each controlled buy described herein, the CI and CI's vehicle were searched thoroughly before and after the deal with no contraband found. For each controlled buy, the CI was also electronically and visually monitored by law enforcement and provided with prerecorded task force funds to make the purchase.

surveillance was unable to follow the CI up the driveway. A short time later the CI was observed driving out of the driveway at which time Sgt. Cochran and Det. Herbes were able to keep constant visual surveillance of the CI.

9. The CI met with VDTF officers after the buy and turned over a quantity of suspected heroin. In a sworn, post-buy statement, the CI stated the following, in substance, among other things:

a. The CI stated, prior to the heroin buy, that he/she randomly received a text from "MEECH" saying that he had hard and soft (which I know are slang words meaning crack and powder cocaine, respectively). The CI stated that MEECH told the CI that he and his associates are now living in Barnet. The CI further stated that he/she learned the exact address in Barnet while dropping a friend off. The CI stated that, on this day, he/she had contacted "MEECH" earlier in the day to see if he/she could get heroin, and "MEECH" told the CI to wait two minutes and he would call his guy. The CI stated that when he/she arrived at the Subject Premises, he/she called "MEECH" to let him know of CI's arrival, and then a male came out of the house and asked what he/she wanted. The CI further stated that CI told the male that he/she was there to talk with "MEECH" and that "MEECH" had told him/her to go there. The CI stated that the male then asked him/her again what he/she wanted, and the CI responded that she wanted a "bun" (which is slang for 10 bags of heroin). The CI stated that the male went into the Subject Premises and came back out with a bun. The CI stated that he/she directly handed the male the \$110.00, and the CI stated that the male then handed him/her the heroin. The CI stated that he/she did not come in contact with any

other individuals; the CI further stated that he/she did not tamper with, destroy, or ingest any heroin.

10. Sgt. Cochran counted the bags of heroin turned over by the CI after the buy and determined that there were only 9 bags in the bundle, not 10, as is typical. Law enforcement conducted a thorough post-buy search of the CI's person and vehicle and did not find any heroin or other contraband. The CI stated that he/she had not counted the bags prior to handing them over to Sgt. Cochran. After examining the bundle and the tight rubber band around it, Sgt. Cochran concluded that the CI did not take a bag of heroin.

11. The CI placed a law enforcement-recorded call to MEECH at phone number 862-944-6232 to tell him that he/she had been shorted. When a male voice answered the phone, the CI addressed him as "MEECH," and he said he was sorry for the shorted heroin and he would make good with him/her. "MEECH" also stated that he was getting his oil changed so he was not at the Subject Premises.

12. Sgt. Cochran field tested the suspected heroin using an NIK brand field testing kit. The test came back positive for the presence of heroin.²

13. On August 6, 2015, Sgt. Cochran showed the CI a New York Bureau of Prisons booking photo of Miguel ZAYAS, and the CI identified ZAYAS as the person he/she knows as "MEECH." Sgt. Cochran further showed the CI a Vermont Department of Motor Vehicles picture of Thomas Newman, and the CI stated that he/she recognized the person as being the male who sold him/her heroin at the Subject Premises.

² For each controlled buy described herein, the substance purchased field tested positive for heroin or cocaine.

14. On August 20, 2015, in Sgt. Cochran's presence, the CI sent a text to ZAYAS at 862-944-6232 asking if he was in St. Johnsbury, attempting to arrange another controlled buy of a bundle of heroin. Sgt. Cochran photographed all texts and recorded all buys associated with this controlled buy. Later that day, ZAYAS responded via text "Lyndonville." The CI sent a text asking, in substance, where exactly in Lyndonville to meet, with Zayas responding in substance "Mathewson Hill Road," and asking if CI knew of this location. He further texted that it was a dirt road and that his guy would meet her at the road. The CI also sent ZAYAS a text asking if he would throw in an extra bag of heroin to make up for the bag he shorted her during the August 4, 2015 controlled buy; he replied "yeaa." The CI drove to the Mathewson Hill Road; VDTF Det. Sgt. Shawn Loan placed a hidden audio video camera in CI's car prior to the deal. The CI drove to Mathewson Hill Road under law enforcement surveillance. Surveillance lost sight of the CI briefly as she traveled on the road, then Sgt. Gardner and HSI Special Agent Scott Labor radioed they observed the CI meeting with a white male. Sgt. Loan also radioed that he saw the male exit the CI's car. The CI subsequently met with me and turned over 11 bags of heroin and a small piece of crack cocaine.

15. In sworn post-buy statement, the CI stated, in substance, among other things:

- a. CI referred to the person CI spoke to in recorded calls relating to this buy as "Meech." CI stated that CI obtained the narcotics CI turned over to me directly from a white male with short curly blond hair. CI did not know his name and said she had never seen him before. CI directly handed this male the prerecorded VDTF funds provided to her to make the narcotics purchase. CI confirmed that

Meech facilitated the deal. After the deal, CI saw the male who did the hand to hand walk up a drive way from Mathewson Hill Road in the direction of what looked like a house or barn.

16. I reviewed the video footage from the hidden recorder in the CI's car and was able to clearly see the face of the male she met with. Post-buy surveillance officers saw the male meeting cars at the bottom of the driveway off Mathewson Hill Road identified by the CI. Law enforcement has since identified this individual as Taylor May.

17. Later the same day, surveillance units observed a truck occupied by three people in the driveway that the male who sold to the CI had walked up after the controlled buy. The truck exited the driveway described by the CI. A VDTF Det. was eventually able to identify Zayas as the front passenger of the truck. Vermont State Police (VSP) officers conducted a motor vehicle stop and identified the front passenger with New Jersey driver's license as Miguel Zayas. Officers eventually arrested Zayas and searched the truck, finding nothing evidentiary value. VSP Trooper Richard Slusser searched Zayas incident to arrest and located \$560 cash in his pocket. Within the cash, officers located the \$160 in prerecorded VDTF funds used by the CI earlier in the day to make the controlled buy.

18. VDTF officers approached the driveway that the male had been seen on and encountered an adult male, identified as Dane Rocheleau (not the male who sold to CI). He indicated that a house further down the driveway belonged to him and that he lived there with his son. He said that two black males, one of which he knew as "Meech," had been staying with him. (Zayas is Hispanic.) He said his son brought the males to the residence the previous night. He gave VDTF consent to search the house.

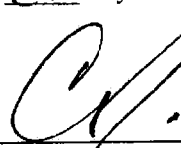
During the search, Rocheleau pointed out items in the residence that belonged to the males who arrived at the residence the previous night. These items consisted of a blue and yellow/orange duffle bag, a green and white back pack, and three plastic bags (the "luggage"). VDTF Det. Giancarlo DiGenova and other officers seized these bags. Det. DiGenova removed a bag on top of the duffle bag in order to seize it and observed the duffle bag was open. He observed within the duffle bag a white chunky substance contained in a clear baggie; the substance appeared consistent with the appearance of crack cocaine based on Det. DiGenova's training and experience. The luggage remains in the custody of the Vermont State Police at the St. Johnsbury, Vermont barracks.

19. Following Zayas's arrest, Sgt. Cochran conducted an interview of him. After waiving *Miranda*, he denied selling drugs and said he worked as a landscaper in Vermont and was currently in Vermont to get a tattoo in St. Johnsbury. He said he was from Jersey City, New Jersey. When where he had been that day, he said "Lyndon." When asked what house, he only shook his head.

20. On August 21, 2015, Sgt. Loan conducted a consensual interview of Taylor May. May identified himself as Taylor May, and Sgt. Loan recognized him as the person on the video during the August 20, 2015 controlled buy. May stated, among other things, in substance, that he had been purchasing crack from "Meech" since the beginning of the summer of 2015. He said Meech, and his associate "J," had been staying with him (May) at his Lyndon residence since the previous day. He said J also sells crack and that he had observed J sell crack to his stepmother. He stated that he had sold heroin and crack for Meech the previous day (August 20, 2015), and delivered the heroin proceeds to Meech. He stated he was paid 2.5 grams of crack for doing the deals

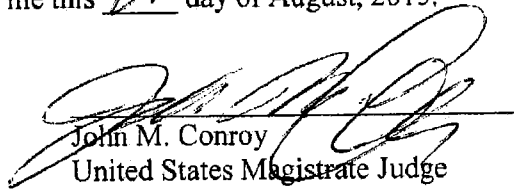
for Meech. He stated that the duffle bag at his residence belonged to Meech, and that Meech keeps money and drugs in that bag. He stated that there is a blue back pack at his residence that belongs to J, and he thinks J keeps his crack in the back pack.

Dated at Burlington, in the District of Vermont, this 21 day of August, 2015.



Christopher Pandolfi
Special Agent
Homeland Security Investigations

Sworn to and subscribed before me this 21st day of August, 2015.



John M. Conroy
United States Magistrate Judge